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TOWN CLERK
CHELMSFORD

Regular meeting of the Board of Selectmen held Monday, January 8, 1990 at 7:30 p.m. **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Johnson called **the meeting** to order at 7:30 p.m. and said that **Town Counsel Harrington** was present to discuss various different matters. He said that two weeks ago he asked him to review the **sexually explicit tapes** being sold to minors. Mr. Harrington said that under Section 4600 of the zoning by-laws recordings and audio cassettes are not specifically covered. The Commonwealth of Mass. in Chapter 272, Section 28 has an obscenity by-law, and it is his opinion that the District Attorney would be the enforcing authority and he recommends that the Board get in touch with the DA's office and ask him to enforce this by-law. He has also researched other state's laws and we should contact our legislator to look into Pennsylvania's statute.
Motion by Miss Towle, seconded by Mr. Ready, unan. to accept the recommendations of Town Counsel and have either the Town Manager or Town Counsel draft a letter to the District Attorney.
Attorney Harrington then discussed the **closing of the Trailer Park**, noting that this has been an ongoing trial which is now closed. The matter currently pending is a private matter between the owners and tenants. He has met with all three attorneys and mediated to bring them to resolution.

At 7:30 p.m. the Board met with Richard Eng, owner of **China Delight Restaurant, Courthouse Square**, who has sold the establishment to Frenk Yee. The Police Chief recommends this transfer. Mr. Johnson asked Mr. Yee's background, and he said he has spent 10 years in the food business, and has owned a restaurant in Arlington. Mr. Yee said it will be the same menu, the hours will be a little longer, and the seating capacity the same.
Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve the transfer from China Delight to Timbo's Restaurant.**

At 7:35 pm a **Public Hearing** was held on the application of **Charles D'Angelo** for the **renewal of his Class III Auto Dealer's license for North Chelmsford Auto Parts** on Sleeper Street. No one present spoke in favor of or opposition to this application. Miss Towle referenced a letter sent to him in July by the Building Inspector in July noting the fence and a gate that were down. Mr. D' Angelo said that these repairs had been made.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve issuing this license.

At 7:40 pm a Public Hearing was held on the **application of ELESCO, Inc. d/b/a Westland Package Store, for approval to add an additional stockholder.** Frank McGovern, President, said they want to permit employee James Baker to buy 4% of the stock. Mr. Baker was the manager before Mr. McGovern, and there will be no operational changes.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the transfer of stock.

Attorney Joseph B. Shanahan, Jr. was present representing **Roslyn Shops of Chelmsford, Inc. for a Public Hearing for: change in manager, change in name and change in description of premises.** Atty. Shanahan said that he is representing the Kelly family, who have owned the restaurant and motor lodge on Chelmsford Street for over 20 years. They are requesting a change in name from Howard Johnson's to Brambles, change in manager from John Kelly to Dennis Palma, who has been there for more than 20 years, and that under their liquor license they must have the Board's approval for a change in the premises - there has been little exterior change, the soda fountain has been removed and a dining room added, with a net loss of 12 - 14 seats. Mr. Johnson commented that we have received no police report on Mr. Palma yet, and Mr. Ready said he is concerned that the changes were made before this Public Hearing was held. Mr. Shanahan said they didn't realize that they couldn't make the changes first, that they have spent about $250,000 in renovations, and that the Kellys have always tried to go through the proper channels. No one present spoke in favor of or opposition to this application.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the 3 changes subject to a favorable record report on the new manager.
Mr. Shanahan said the Kellys had asked the **State for a highway sign for food and lodging** 8 - 9 years ago. The Radisson also applied 5 - 6 years ago. Their concern is that the Hilton Hotel moved ahead and got signage 2 months ago, and they are asking the Board for a letter of endorsement from the Town Manager.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the Town Manager sending a letter. Mr. Blomgren suggested that we also ask Rep. Cleven to help and asked Mr. Lynch to report at their next meeting.

Atty. Shanahan then presented the **application of the Town Meeting Restaurant for a change in hours.** He said that the Board is all familiar with the Scharns, and they want to **extend their Common Victualer license to serve food in the mornings**, Monday through Saturday, from 6:00 am to 2:00 am, and Sundays from 6:00 am - 1:00 am. This is not a proposal to serve alcohol before 11:00 am. They have wanted to serve breakfast for quite a while but couldn't because of the septic system, but now that they are tied into the sewer system they want to start serving a very standard breakfast menu. Mr. Johnson asked how will liquor be handled -

removed from sight? and Atty. Shanahan said that it will be covered and not visible to the public , since they want to serve breakfast at the bar also, until 11:00 am.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the change in hours for the Town Meeting Restaurant to start serving breakfast at 6:00 am. Mr. Shanahan said they will start doing this by the end of January.

Under **Reports, Miss Towle** asked about a 6-month review of pool table fees, and Mr. Lynch said he will have recommendations in his budget report to the Board by early February.
Mr. Ready said he wants to remind residents that the census is being done, both federal and state, and said that it is important that college students and military personnel be reported as residents.
He reported that he and Mr. Johnson participated in the Women of Today Annual Auction and they raised $3800 for charity. He wants to congratulate them for a job well done.
Mr. Emerson reported that as a result of a joint meeting of the Finance Committee, School Committee and Board, he is recommending that a long range planning committee be set up, with one member from each of the above committees, and the Town Manager and the Superintendent of Schools, to establish priorities for each department.
Motion by Mr. Emerson, seconded by Miss Towle, that the Board establish this committee. Mr. Ready commented that this sounds redundant to the Capital Planning Committee, and what would they do. Mr. Emerson said plan very large projects, like the Senior Center, and they should ask for a Wish List and then prioritize it. Mr. Johnson said that this would be a way for both sides to interact, and Mr. Lynch said that each committee will continue developing their own ideas, but will work jointly on this committee.
Mr. Blomgren said that sometimes we have too many committees, and that the Town Manager is empowered by the Charter to do most of this - he is charged with this responsibility. Mr. Emerson said that the Board shouldn't wait for the Town Manager to do everything - that the Board should take certain initiatives, and this committee would be only advisory. Mr. Blomgren said that the Town Manager has given the Board a summary of his goals and initiatives, let's give him the Charter and let him run with it. Mr. Lynch said he wants to take this idea back and show how it will meld with other priorities. He will give the Board a concept to discuss at the next meeting. The matter is tabled until January 22nd.

Joseph Santos, New England Telephone Company Manager, was present to discuss **double pole removal**. He told the Board that as of today 404 of 584 double poles have been removed, and removal will be completed by March 30, 1990. He will send a bi-weekly schedule to the Board. Mr. Santos commented that Lowell Cable TV

was outstanding in their cooperation and efforts, and that Mass. Electric has to contract out the work so it will take about a month for them to remove their lines. He added that there are almost 300 double poles in North Chelmsford alone because of Mass. Electric's increase in service. Mr. Johnson and Mr. Emerson both commended Mr. Santos for an excellent job. Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to send a letter to Mr. Santos' supervisor Max Rogers telling him of the Board's pleasure with Mr. Santos professionalism and competence, and also a letter to Lowell Cable for their prompt response and efforts on the phone company's request to remove their lines.

Under **Reports (cont'd)** **Mr. Blomgren** said that he read a Letter to the Editor regarding a Roadside Vendor selling Christmas trees at Drum Hill who was very rude and agressive with a customer. He suggested that this letter be filed with the Vendor's license for review at renewal time next year.

Mr. Johnson said he wants a status report at the next meeting on Shawmut National Bank's restoration of the Fiske House. Mr. Emerson said he has spoken with the new manager and this work will be done in the near future. Mr. Johnson also reported that Marnae's Bridal Shop should be commended for the nice job they have done in restoring their building. Motion by Mr. Ready, seconded by Miss Towle, unan. to send a letter of commendation to them.

The **Town Manager** reported that two lay-offs have occured in the Fire Dept. They did this without closing a station but it means one man less in the North Station (like the other outlying stations), and 2 units will still have 3 men unless a man is out for sickness or some other reason. To add one man to a unit, we would have to hire four, and also to eliminate one man, we would have to eliminate four. The contract says that 25% of the total bargaining unit must be on duty at one time. If there are less than 60 in the unit, we only need 14 men per shift. We now have 2 14 man and 2 15 man shifts. If the shift drops below 14, we will replace the 14th man. Things do not look good for the future, although he doesn't see reducing any lower in the Fire Dept. and added that he will be meeting with the union within the next couple of weeks. Mr. Lynch said he also wants to praise the Fire Dept. - that they have had a really tough couple of weeks with the cold freezing weather and several major fires. He wants to congratulate the men and the Chief.

Mr. Lynch reported that he has received a letter from George Betses, High School Principal, stating that Chelmsford wants to become a sister community with Bourg en Bresse, France. Mr. Blomgren commented that it costs money to become a sister community through the national organization.
Motion by Mr. Ready, seconded by Miss Towle, unan. to have the Town Manager draft a proclamation.

Mr. Lynch said he wants to remind the Board and the public that this is Disability Awareness Week.

Mr. Lynch reported that the Labor matter between the Town and the Highway Dept. employee who was laid off has been turned down by the Labor Relations Board.

He also reported that we are facing a $3 million shortfall for the next year, and if the State should withhold local aid payment in June, we will be app. $5 million short for FY91.

Blair J. Finnegan, owner of **The Courthouse, Inc.** was present to ask the Board's approval of his application for a **change in manager** from David Farrell to Deborah Peachey. Ms. Peachey has worked in the Brass Racquet Lounge for 5 years, and Mr. Johnson commented that her husband is a Police Officer in Westford. There will be no change in the operation of the facility. The report on Ms. Peachey is not yet back from the Criminal History Systems Board. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the change in manager subject to a favorable report from the Systems Board.

Under **Unfinished Business**, the Board discussed renewing the **Princeton Lounge liquor license.** Mr. Johnson read from the attorney's letter, and said he feels that a liquor license is not for sale, and would vote to rescind the license. Any applicant they sell to has the right to apply for a liquor license, in which case the Board would look at their track record. Miss Towle and Mr. Ready agreed.
Motion by Mr. Blomgren, seconded by Miss Towle, unan. to ask Town Counsel to respond to the attorney's request of December 27th.

Under **New Business**, Mr. Ready asked about the consolidation of the DPW, Sewer and Water - what progress has been made? Mr. Lynch said that it is going along fairly smoothly, with some minor problems. The emphasis over the past month has been on getting the budgets pulled together, but he is basically pleased with the transition.

Motion by Mr. Ready, seconded by Mr. Emerson, to **approve the minutes of December 11, 1989.** Vote was 4 in favor, 1 abstention (Miss Towle, because she was not at the meeting).

Mr. Blomgren said that regarding **plowing and sanding**, we need an operation process - what does a citizen do if he has a problem? The Town Manager said that on a weekday he can call the DPW or BOS offfice, and during non work hours, either the Highway Dept. garage or the Police Dept. He added that on New Year's Eve day the Police Dept. contacted the Highway Dept. They don't plow less than 3" of snow, but do sand. Mr. Ready said that when he receives a complaint, he calls the Highway Garage or the Police

Dispatcher. Mr. Blomgren asked the Town Manager to re-publish the policy.
Mr. Lynch reported that we appropriate $270,000 per year for snow removal and have spent $220,000 already this year so will probably run over. He said that the sand pile for residents is located on Old Westford Road across from the McCarthy Parking lot (on the High School grounds). He also added that we are looking at more town-owned vehicles that might be equipped with plows. He said that we are identifying private roads and drives that the Town currently plows, but that it not fair to stop plowing them without fair notie. Church parking lots cost $20 - $25,000 per year to plow, but that policy is hard to change at this date. Next year we will revisit those two areas.

At 9:05 p.m. motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cato

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Regular meeting of the Board of Selectmen held Monday, January 22, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session of the meeting several residents of the Summer Street area were present to protest the Site Plan approved by the Planning Board for Altid Enterprises, stating that they are concerned about increased traffic. Mr. Lynch said he is concerned that the developer is indicating that this project is a joint venture with the Town, and it is not - the Town is not contributing any funds for road improvements. Mr. Emerson noted that the Planning Board has given Site Plan approvel contingent upon some other things, channelization of traffic, etc. Mr. Johnson said that the Board is very sensitive to this issue and the neighborhood, but if the developer is not breaking the law, we can't stop them. An abutter said that there is no way for the residents to appeal the Planning Board's decision at this point, that the conditions make it a very confusing issue, and she gave the Board information they have received from the State. Mr. Johnson asked if there is any new information that the Board can send to the Planning Board, and the abutter said that this plan will mean 3,000 more cars in the area, and the Board of Selectmen control road plans. Mr. Ready said that Board can only look at traffic and road improvements, the improvements at Rte. 4 and Summer Street have been needed for a long time but the Town hasn't had the money, and he feels we should approve these improvements but leave Route 129 alone.
The Town Manager reported that at the Boston Road end of Summer Street the curve at Boston Road and Summer Street are not aligned and that behind the library, if people are going left down Boston Road it is not delineated. They are proposing to build a small island to delineate this, and put in better signage and new stripings. The second proposal by Altid Enterprises is new turning lanes on Route 129 - one from Billerica Road right onto Grove Street and a right-hand turn lane onto Wilson Street from Billerica Road. Mr. Johnson commented that this takes a residential area and turns in into a commercial zone. Mr. Emerson said if we tell the developer to leave Route 129 alone we would be doing him a favor, but the Board should decide now if we ever will want these turning lanes. Mr. Lynch said that there will be some improvements made anyway , and if the Board denies road improvements the developer won't meet all requirements of the permit.

Chairman Johnson called the meeting to order at 7:35 p.m. and announced the Public Hearing on the application of Domino's Pizza for a Common Victualer's license. Motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn this hearing until the Open Session is completed.

DPW Director/Town Engineer Jim Pearson joined the meeting and Mr. Ready summarized the discussion to date, stating that the Board is not in favor of changes at the Route 129 end of Summer Street. Mr. Pearson said that the proposed changes are to make an easier traffic flow and maintain the same level of service, and the Town has sent the plans to NMAC for their review. Mr. Blomgren asked if the Board rejects the traffic changes, what would that do to Planning Board approval, and Mr. Pearson said their conditions wouldn't be met. An abutter suggested making Summer Street to Brook Street one-way, and Mr. Ready said we couldn't do that without a major study.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. that the Board write a letter to the Planning Board stating that the Board is not satisfied with the access and egress, concerned with the residential encroachment, and adding that we endorse the Adams Library - Boston Road improvements.

Dwight Hayward, FinCom Chairman, was present and stated that prioritization and policy setting under the Charter are Board of Selectmen functions, and it is up to the Town Manager to carry them out. Mr. Emerson said that a Long Range Planning Committee, as an advisory committee, would only meet every 2 - 3 months. Mr. Ready referred to the SMACC Committee, stating that this committee is somewhat redundant to that, and would like to see them work towards more school/town consolidation. Motion by Miss Towle, seconded by Mr. Ready, unan. to create a Long Range Planning Committee comprised of one BOS member, one School Comm. member, one FinCom member, Town Manager and Supt. of Schools, and to appoint Mr. Emerson as the Board's representative.

The Board then met with Cynthia White, CHS Junior. Mr. Blomgren had seen a Letter to the Editor that she had written to the Lowell Sun, and asked her to summarize the concerns she expressed in the letter. Cynthia said that she feels the Board is doing what they can with what money is available, and she feels the student user fee is unfair since it is only paid by students and she feels that fees should be paid by all taxpayers, not just those who use the services, comparing school user fees to paying fees to police and fire, if you need their services. Mr. Ready said the Board has always been proud of the high school students, both academically and athletically, and asked what effect are the user fees having on morale? Cynthia said she knows of more students who won't pay the fees than will pay. Mr. Johnson said that our academic/athletic program is considered the best in the State, and we must protect it. He thanked Cynthia for writing the letter and attending the meeting.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim February, 1990 as Huelva, Spain Month.

Chairman Johnson presented a Certificate of Appreciation to the Special Education Parents Advisory Committee for an outstanding Disability Awareness Week January 7 - 13, 1990. The certificate was accepted by Gail Landry, Kathy Tuminello, Suzanne Workman and Terry Eldridge.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of the January 8, 1990 meeting, Regular and Executive Sessions.

The Sewer Commission was on the agenda for an update, but no one was present. They will be requested to attend the February 5th meeting.

At 8:15 p.m. the Domino's Pizza Public Hearing was reconvened. Attorney Joseph B. Shanahan, Jr. representing Geoff Schembechler of GDS, d/b/a Domino's Pizza, with his application for a Common Victualer's license. He also presented a floor plan. Mr. Shanahan said that they had appeared before the Board 2 months ago, and were not sure that they needed a license, but Town Counsel said that they do. The establishment is at 61 Central Square, they opened September 7, 1989 and obtained a Special Permit from the Board of Appeals. Mr. Shanahan stated that Mr. Schembechler has had over 5 years training with Domino's, has another store on Mammoth Road, Dracut, and that the Domino's chain now has 4300 stores. They do not allow food on the premises, and carry only pizza and one soft drink. The delivery service is his biggest commodity.
Miss Towle told the Town Manager to tell Town Counsel that his opinion took too long. She added that a mailing was sent out when they opened, and she has received complaints that they don't deliver on the other side of Rte. 495 in East Chelmsford. Mr. Shanahan said that they promise to deliver within 30 minutes of receipt of the order, and they are not allowed to go outside a certain radius under the franchise agreement. Mr. Schembechler noted that safety is a major issue with Domino's and they tried to put a limited delivery area on all bulk mailing. Mr. Ready commented that he has had the same complaint from East Chelmsford and the customer orders his pizza and can get to Domino's to pick it up within 8 minutes. Mr. Shanahan said that the local Domino's has had safety trainingfor their drivers, with a follow-up program, that they have delivered 15,000 pizzas in 16 weeks, and during that time their drivers have had one parking ticket and one warning.
No one present spoke in favor of or opposition to this license. Motion by Mr. Ready, seconded by Mr. Emerson, to grant this license. Vote was 4 in favor, 1 opposed (Miss Towle).

The Board then held a **Public Hearing** on the application of **Little Caesar's Pizza** for a **Common Victualer's** license at 63 Courthouse Square. Attorney Bill Ricco represented PZA PZA, Inc. d/b/a Little Caesar's, and said that their situation is the same as Domino's - they received their permits and didn't know that a Common Victualer's license was required. David Anderson and his sister Cheryl were present; he is president of the company and their parents are the financial backers. The business is located in Bay 17, Courthouse Square Plaza. There is no seating on the premises, and they do not have home delivery - customers call in their orders and come to pick up their pizzas. This is their 5th Little Caesar's, and it was opened November 22, 1989. There have been no health or safety issues, and their hours of operation are Mon. - Thurs. - 11 am - 10 pm, and Fri. and Sat. - 11 am - 11 pm. No one present spoke in favor of or opposition to this license. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

John Inglis, **Chelmsford Postmaster**, had sent a letter to the Board, stating that he would be glad to talk with them about the future plans of the Post Office. He said they will be moving the clerks and carriers to the new facility in Billerica, but window service will remain in Parlmont Plaza until March, 1995, when the lease expires and the building will be leveled. By 1993 they will be looking for a storefront in the business area of the Town, and he just wants to assure the Board that there will still be counter facilities in Town. Mr. Emerson asked if this will open up the Alpine Lane parking lot more, with many employees moving to Billerica and Mr. Inglis said yes, that there will only be 6 or 7 employees kept at that facility. Mr. Johnson thanked him for coming in and said we are looking forward to continued good service.

The Board then met with **Frequency Sources, 16 Maple Road.** Mr. Johnson asked Mr. Ready to lead the discussion, since he had asked that they come to the meeting. Mr. Ready said we had read in the paper about the hazardous waste at the facility. Attorney James Geary introduced the President Bob Knowles, Paul Lamoureux and David Sweet from New Jersey. Attorney Geary said that the company had determined with their monitoring wells thst there is trichlorylethelene present in the groundwater at the site. Since then they have tested the public water supply for TCE, hired First Environment from New Jersey for technical purposes, and have shared their information with the Town Manager, Supt. of Schools, Principal of the Byam School, the Department of Environmental Protection, and contacted the media. There is further monitoring to be done, and the Board of Health has tested the air in the Byam School and found no evidence of chemicals in

the air. Paul Lamoureux then addressed the Board, saying that Loral purchased Frequency Sources a few years ago. He then showed a chart that listed the historical background, FSI implemented a Source Reduction plan, FSI submitted a Site Plan to DEP (since 1988 there has been no effluent at that site - they moved that portion of the business off the site); FSI submitted a Site Plan to the DEP; FSI implemented the approved Site Plan; they put in 6 shallow wells and found slight contamination; FSI completed deep well investigation. They checked the site for vapors, and now have TEC at 60 feet below the surface only on the site. TCE is a cleaning solvent, whicn can cause cancer if ingested or inhaled. However, it would have to come in through 40 feet of water and 20 feet of rock to get to the air. Mr. Lamoureux then showed the location of the test wells. They have proposed to DEP that they continue on with further testing and received approval today to do so. As soon as the frost is out of the ground they can continue on with the soil gas survey.
Atty. Geary added that they have asked the Town Manager and the Town Engineer for permission to use the shoulder of Maple Road and also the Byam School yard. Mr. Knowles has contacted all the abutters. Mr. Sweet said the next phase is to determine how far it has gone and this will be done in the summer of 1990. At that point they will know how widespreaad the problem is and will then have a deadline for cleaning up. Mr. Blomgren said he is concerned that we adequately address the issues and that the Board of Health is satisfied with all the tests, and asked if they would be willing as a corporation to provide the Town with money to hire our own consultant. Mr. Johnson said it is up to the Board of Health - do they need a consultant? Health Director Richard Day said they will be looking for assistance if they can't handle it. He said that they had a cancer review study done of sickness in that school and this showed that it was a "statistical random cluster" and the data led to no common cause. Mr. Blomgren asked if he feels the Town is being protected by DEP, and Mr. Day said yes. Mr. Blomgren asked what about our wells and acquifers and Mr. Day said they are several miles away, and that they have tested private wells downstream. Chairman Barbara Ward said the School Committee would like to have the Byam School site tested. Mr. Johnson said he is making a formal request from both the Board and the School Committee that the Byam School site be tested. Mrs. Ward asked that them to please keep the Supt.'s office and Byam School Principal Bergeron up to date as to what is happening. Carl Olsson commented that the School Committee wants to be kept more closely informed, and Mr. Sweet said they will do whatever they can to put Town officials at ease.
Mr. Ready thanked them for coming in to the meeting, and said the Board is trying to eliminate the fear of the unknown. Mr. Geary said they will come back with any new data and will keep the Town Manager, Town Engineer, Richard Day, the Superintendent's office and Principal Bergeron informed.

Under **Reports**, the **Town Manager** reported that the snowstorm on the weekend was a drain on the Highway Dept. and the budget, we have exhausted the Snow and Ice appropriation, and are trying to keep costs down.

He reported that the Historic District Commission needs an alternate to replace Bill Logan, who has resigned.

Mr. Lynch reported that Mr. Ready had asked him to check with the Sandbank Ad Hoc Committee, and they are pleased with the work done so far. They will keep in touch with the Board when work commences again in the Spring.

He reported that a letter has been sent to the state, with a copy to Rep. Cleven, requesting a Food and Lodging sign on Route 495 at the 110 exit.

Mr. Lynch reported that we have made arrangements with the Town of Dracut to use our dog kennel, since we have empty pens, and have started a regional effort. They will be charged the same as Chelmsford residents. Mr. Ready said he thinks this should have been a Board decision, and moved to 1. approve the action and 2. get Town Counsel's opinion as to who has charge of rental space, seconded by Mr. Blomgren. Mr. Johnson suggested that the Town Manager make a casual call to Town Counsel. The vote on Mr. Ready's motion was 2 in favor, 3 opposed (Mr. Johnson, Miss Towle and Mr. Emerson). Motion failed.

Regarding the road striping issue, Mr. Lynch said he has asked **Town Engineer Pearson** to come in with a brief report. Mr. Pearson told the Board that we have 3 options: paint, hot melt or thermoplastic paint. Paint is not good in this climate, although we have added plastic beads to the paint to illuminate the crosswalks, but this is also abrasive and makes the paint wear down faster. Thermoplastic is also 15 times more expensive, and is recommended for new pavement, not existing. It has a 3 - 4 year lifetime. The sewer contracts call for thermo plastic in heavy traffic areas. This will be put out for bid with Highway materials this spring, and we may do a test section of about 2,000 linear feet with thermo plastic this spring. For budget purposes we will stay with paint, which is $.02 per foot as compared to $.40 per foot for thermo plastic, although we will be using it in high density areas.

Under **Unfinished Business**, motion by Miss Towle, seconded by Mr. Ready, unan. to approve a **1-day liquor license for St. Vartanantz** for Feb. 10.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve the Voter Registration Hours** as requested by the Town Clerk.

Mr. Blomgren announced publicly that he is seeking re-election to the Board of Selectmen for a third term, and read a prepared statement.

At 10:05 pm motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Linda C. Ant.

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TOWN OF CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, February 5, 1990. **Members present:** Mr. Johnson, Ms. Towle, Mr. Ready, Mr. Emerson, Mr. Blomgren and Mr. Lynch, Town Manager, was also present.

Chairman Johnson called the meeting to order at 7:30 p.m. and announced the Weblos Scouts of Den 6, Pack 170 to receive Certificates of Appreciation. Recipients were: Matthew Crawford, Christopher Johnson, David Kirk, Michael Regner, Anthony Silvia, Gregory Trouten, Cory Stevenson, and Matthew Turko.

Ms. Towle moved to approved the minutes for the Selectmen's meeting of January 22, 1990, seconded by Mr. Ready, unan.

Mr. Barry Balan presented the Board with the **Sewer Commission update.** 1989 marked the first time in history that public sewerage was made available to residents in the Town of Chelmsford. In June, N. Chelmsford residents were permitted to hook up to the sewage system and the Southrow Field pumping station went on line. In November, flow connected to the Chelmsford Center area including the Chelmsford Center industrial sewer district and the Katrina Road pumping station began its acceptance of flow. Construction in the Center was intense. The public endured traffic delays and detours along Routes 4, 27, 129 and 110. Mr. Balan thanked all people using these roads for their indulgence.

By the end of 1989, 95% of the main line sewers had been installed in the Center area. Since July 1, 1989 approximately 320 connections have been made in the N. Chelmsford area. The Katrina Road pumping station was activated on December 1, 1989, thus permitting connections from the Center and also the industrial area.

The final paving of Phase II streets will be undertaken in June of 1990. This will encompass all of the streets where sewers have been installed Southwest of the intersection of Chelmsford Street and Golden Cove Road.

To date, ten services in the Center area and nine services in the industrial area have been activated. Winter weather and deep frost have slowed down a number of connections in these areas. The Kensington Road area project has 64% of the main line pipe in the ground and is currently closed down for the winter. Work will start again in mid-April and the system should be activated about September 1, 1990.

Mr. Ready asked what the current time frame for completion of the funded sewer project will be. Mr. Balan stated that a bid will be put out this spring for the Farms and Old Stage areas. Completion should take place 18 months from the time of the bid acceptance.

Mr. Emerson expressed concern about the deterioration of temporary road patches due to the sewer construction. Mr. Emerson asked who would be responsible for patching roads. Mr. Balan stated that any road dug up because of sewer construction will be repaired by the Contractor and will be maintained throughout the winter. Once spring arrives, the Contractor will be responsible for repaving costs. Mr. Emerson asked what action is taken if a Contractor does not respond to a particular situation as readily as desired. Mr. Balan remarked that if a Contractor is given ample opportunity to address a particular situation and does not, either the Town or an outside contractor will come in and provide the service and the sewer contractor will be billed. Mr. Balan further clarified that the Contractor is ultimately responsible for road repairs due to sewer construction.

All roads, with the exception of Route 110 coming from the Lowell line through Chelmsford Center will be repaved. In this area, the State is involved in a lighting project which will affect the Shopping Center, Golden Cove Road, and Fletcher Street. The State will incur road paving costs for these areas. Mr. Ready stated that an arrangement between Chelmsford and the State of Massachusetts was made to combine the efforts of both projects. Mr. Ready stated that the Town of Chelmsford did not want to be a participant in a project where a new street was laid and two months later would be ripped up to accomodate a separate project and have to be paved again. Mr. Balan stated that Chelmsford notified the State that sewer construction would be complete in this area by the Spring of 1989 and that the lighting project could be done then. However, Mr. Lynch stated that State funding has not been available to begin the lighting project. Mr. Lynch is in the process of applying for federal classification which would place the project in a different area of funding, but he has not received a response regarding this matter.

Change in manager at the Chelmsford Elks. No representative was present. The Board voted unan. to address this action at a later date.

Change in hours at American Legion. No representative was present. The Board voted unan. to address this action at a later date.

Jack Fletcher, the **Athletic Director at Chelmsford High School** presented three fund raising activities for approval to the Board. The activities included:

> Application for a one day liquor license for use in March at the Chelmsford Senior Center.
>
> Spring carnival in May to be held on High School grounds.
>
> Wrestling show in June, after graduation, at Alumni Stadium.

Mr. Fletcher has come before the Board of Selectmen with the above fund raising activities because the High School athletic buget was cut $100,000 last summer. Since 1982 and implementation of Proposition 2 1/2 athletes have been paying for their own transportation through a bus transportation fee. Mr. Fletcher wants to continue offering students a full athletic curriculum, but in order to do that, additional funding is required. Last year there were 1,020 students participating in athletics in a school with 1,700 students. In the fall of 1989 a fund raising committee was established to introduce ideas for dealing with the athletic program's deficit.

Each athlete has been assessed at $135 for a transportation user fee. Hardship cases are reviewed and subsidized through the Athletic Department revolving account and gate receipts. In addition, a $50 activity fee is assessed to all students at the High School. These funds support the Athletic Department and its activities.

Application of a one day liquor license, for a night with Charlie Bradshaw at the piano, to be held at the Chelmsford Senior Center was proposed by Mr. Fletcher. Arrangements have been made with Marty Walsh, Counsel on Aging Director, for use of the Senior Center, providing the Athletic Department is responsible for set-up, clean-up and all work required, subject to Mr. Walsh's inspection. The date scheduled is March 24, 1990 from 7:15 - 12 midnight. Coaches and members of the Athletic Department will be hosting the event.

Mr. Johnson commended Mr. Fletcher for being awarded the Dalton Trophy for the 7th year in a row. This award signifies well rounded athletics and speaks highly of the Town of Chelmsford. Mr. Johnson noted that the Mass Association of Athletics referred to the Town of Chelmsford as being the best academic and athletic school system within a 1 hour radius of Boston, MA.

Mr. Johnson noted Barbara Ward's presence in the audience. Mr. Johnson stated that he did not want to overstep the bounds of the School Committee and asked Barbara Ward if the School Committee endorsed Mr. Fletcher's request for a one day liquor license for the purpose of raising revenue for the High School Athletic Department. Ms. Ward stated she was not aware of this request, Mr. Fletcher had not presented it before the School Committee during its last meeting. Mr. Johnson stated that he was sensitive to "stepping on the toes" of other boards in the community and asked if this was the type of activity that if the Board of Selectmen took action on, the School Committee would feel comfortable with the Board's decision. Ms. Ward did not want to speak on behalf of the entire School Committee, however, Ms. Ward stated she did not see any preclusion to School Committee policy and regardless of what the Board of Selectmen decide, this issue will have to be voted on by the School Committee for final approval.

Mr. Ready expressed concern over the Town's liability. Mr. Lynch stated he will check into the Town's insurance coverage. Motion by Mr. Emerson, seconded by Ms. Towle, discussion, unan. to approve a one day liquor license for the High School Athletic Department, subject to School Committee approval and liability coverage to be checked by the Town Manager.

Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to revisit policy as it relates to alcoholic beverages being served or sold on Town property.

Mr. Fletcher presented his request that the Board approve a Spring Carnival to be held Wednesday, May 9, 1990 through Sunday May 13, 1990 on High School athletic fields. LMC Amusements will be the company used. This organization is well respected by the Elks in Chelmsford and school departments in Salem, Marblehead, and Swampscott. LMC Amusements has guaranteed Mr. Fletcher a minimum profit of $5,000 along with all the proceeds from a dunk-tank.

Mr. Emerson stated that a variance may be needed from the Board of Appeals to operate a carnival on the High School property, because it is in a residential area. Mr. Ready proposed that the Board offer strong endorsement of this activity to the Board of Appeals and assist with the appeals process.

Mr. Blomgren expressed concern that the Athletic Department is forced to seek out additional funds through fund raising efforts. Mr. Blomgren reflected that at some point Chelmsford will have to wake up as a community and support the programs that are necessary to maintain the quality of offerings in Town.

Mr. Johnson emphasized that the Town of Chelmsford is not in the business of subletting its land for use by outside organizations. In this case, the Athletic Department has come before the Board for approval to use its own resources to benefit the athletic program.

Motion by Ms. Towle, seconded by Mr. Ready, unan. to approve Athletic Department's request for a Spring Carnival.

Mr. Fletcher must go back to the School Committee for final approval for the Spring Carnival.

Mr. Fletcher's final request to the Board is to sponsor a wrestling show on June 8 or 9 at Alumni Stadium. There will be six wrestling matches and tickets will be sold at $10. The Athletic Department will assume all set-up and clean-up of the show and police will be hired for security during this event. Mr. Johnson clarified that no alcoholic beverages would be allowed.

Mr. Johnson asked Mr. Fletcher how much revenue he hoped to earn through all fund raising programs. Mr. Fletcher said he was hoping for $15,000.

Mr. Blomgren felt the wrestling show was a risky operation. Mr. Emerson did not support this event claiming it "...disgusting under the best of circumstances." Mr. Emerson further described the show "...a contradiction to the type of training supported by the Chelmsford Athletic Department."

Ms. Ward stated that the Town must analyze whether it wants the Athletic Director and his staff to spend their time running around looking for ways to save programs.

Ms. Ward questions whether these individuals are being appropriately utilized. Ms. Ward described the fund raising effort as very demeaning and counterproductive in the long run. The School Committee voted 4 in favor and 1 abstention to approve the Wrestling
Show.

Ms. Towle stated that Mr. Fletcher's pleas for additional revenue obviously mean he desparately needs the funds for the athletics program. Motion by Ms. Towle, seconded by Mr. Ready to approve the Wrestling Show. Discussion followed, motion carried by vote of 3-2.

Fiscal Policy Advisory Committee (FPAC) presented its recommendations to the Board. **Mr. Steve Temple** delivered the FPAC final report. Committee members as determined at October Town Meeting included: Town Manager, Town Treasurer, Town Acountant, School Superintendent designee, a Large Department Head, a Small Department Head, Large Union President, Small Union President and one representative from each Precinct.

The mission of the committee has been to study and organize ways of increasing revenues to fund and supplement the Town's 1991 budget.

Members considered the scope of the fiscal problem, analyzed projections to future year's budget expenditures, looked at historical trends of expenditures and revenue, examined comparisons of dollars in constant dollars for each of the main items in the Town budget and how they have changed over the past 10 years, examined effects of mandated programs, the impact of escalated fixed costs within the Town and in some cases examined the distribution of elements within some of the large budget items (i.e., school department) to look below the bottom line and understand where the money was going.

Secondly, the committee identified alternative methods and approachs to revenue production and the concern about the level of funds that needed to be generated and in particular the impact on the residents on the typical household in Chelmsford.

As a third item, the Committee examined comparitive data from some similiar towns, looked at approaches being pursued by those other towns in a similiar predicament.

As a fourth item, the Committee decided to hold a public hearing to get additional input from residents and business leaders. In addition, the Committee invited certain cognizant board members to offer testimony before the Committee on topics as they arose (i.e., Sewer Commission and the Solid Waste Advisory Committee came to FPAC meetings).

The fifth and final aspect of the FPAC approach was to develop a set of recommendations that are presented to the Board and the Town Manager.

Attached hereto and made a part hereof is the Fiscal Policy Advisory Committee Final Report 1990.

Mr. Lynch, Town Manager, presented his **FY91 Budget** to the Board. Mr. Lynch introduced his goals and objectives for FY 1991. The most significant implementations include: **Centralized Purchasing**, which will offer better control and coordination of procurement and result in tangible cost savings for the departments, **Town Building Space Utilization,** through consolidation of several departments, several offices will be shifted to provide better work spaces, improve communication between departments, and result in reduced personnel, **Consolidation of Departments**, through combining several offices, committees, or departments under one consolidated budget head or one physical space cost savings can be realized and/or services improved. The proposed FY91 Budget contains several consolidations of varying degrees.

Sick Buy-Back. The current policyof buying back unused sick time accrued by retiring employees is expensive, counterproductive to its goal of reduced sick time usage, and an unfunded liability which adversely affects our financial condition. Mr. Lynch has therefore proposed to phase out the sick buy back policy. An opportunity will be made available to employees who wish to take advantage of this policy at 100% before it is phased out according to a schedule to be determined. Mr. Lynch intends to replace this system with an alternative incentive to control use of sick time, as well as an improved pay-for-performance plan.

Centralized Emergency Dispatch. The proposed budget also provides for full-time funding of the civilian dispatchers at the Policy Department. These positions will enable police dispatchers to work out in the field instead of behind a desk.

Personnel Reductions. Within the proposed FY91 Budget there are numerous reductions in personnel through attrition, cutbacks through consolidation, or simple reductions in force.

Press Questions

At 11:10 p.m. motion by Ms. Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Jeanne M. Hamel

RECEIVED
90 MAR 14 PM 3:01

Regular meeting of the Board of Selectmen held Monday, February 26, 1990. Members prsent were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Johnson called the meeting to order at 7:30 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of February 5, 1990.

Jack Moynihan, Mass. Electric Co. presented a petition to install 2 cables on Sterling Place to serve 2 new duplexes. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Mr. Emerson asked about double pole removal, especially in the Center and Vila Square, and asked Mr. Moynihan to relay the message to Mr. Santos, New England Telephone Co.

Attorney Richard Sterling was present representing Cheryl Constantine in the transfer of the All Alcoholic license at the Meadow Lounge from Meadow Grille of Chemsford, Inc., Joseph Bonsignor, Owner and Manager, to his daughter Cheryl, Meadow Lounge, Inc. Ms. Constantine has been working with her father since she was 21. A favorable report was received from the Criminal History Systems Board. No report has been received from the Building Inspector. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the transfer subject to a favorable report from the Building Inspector.

Under Reports, Mr. Emerson said that on the override options 3 weeks ago he thought it was right to give the public a choice of 2 options: one for a $3 millionoverride, and one for $1.2 million plus a user fee for trash. He now feels that this is not a good idea and asked the Town Manager for his recommendation for one ballot question. Mr. Lynch rcommended the user fee as being more equitable, and added that we need to increase the amount of the override - the Snow and Ice Acount is overdrawn by $145,000. Mr. Ready said before we go for an override we should have the Town Meeting review and take action on the budget, and move the meeting up to April 9 or 16. Mr. Lynch said that M.G.L. does not allow a meeting being moved ahead, only postponed. Mr. Ready stated that if we called a Special Town Meeting we could vote to change the by-law, and the members could vote on 2 budgets, one with, and one without, an override. This matter was tabled until after the pulbic hearing.

At 7:50 p.m. a Public Hearing was held on the application of Mei Li Garden for an All Alcoholic License. Atty. Joseph B. Shanahan Jr. represented the applicants Grover and Jean SooHoo. He noted that the SooHoos had first applied for this license in August, 1988, when a Common Victualer license was granted for an 80 seat restaurant and the aloholic license application was withdrawn

without prejudice, until the applicants had established a track record at that location. They did not open the restaurant until October, 1989, and Mr. Shanahan feels they have established a track record in the last 5 months and in their 17 years at the Mai Kai. They want to establish a waiting area in the lounge, with 4 booths and 5 stools at the bar. He said the minutes of the Aug., 1988 meeting referenced the fact that this is a "neighborhood" and cited the Radisson, Brambles, Vincenzo's, the Elks and The Banqueteer as all abutting residential neighborhoods. The Board then discussed whether this would constitute a bar vs. a lounge.
Mrs. Ingellina, 23 Chamberlain Road, said she is representing 4 of the abutters, and said they had understood there would be no lounge. She expressed concern over the number of drinking places on Rte. 110, and drinking and driving.
Atty. Shanahan said Mr. SooHoo would amend his plan to not include the stools at the ba.
John Finn., 6 Clarissa Road, said he lives about a mile from Vincenzo's, which has the same format as Mei Li Garden, and they have absolutely no problems.
Jesse Daley, 6 Second Lane, goes to the Pockets Billiard Parlor, and feels the SooHoos would be very careful not to serve to minors.
Others **speaking in favor** were Charles Galloway, 52 School Street; Don Loiselle, 1 Barry Drive; Jesse Daley, John Finn, Mrs. Ingellina and Frank Francionie, 265 Graniteville Road.
Motion by Mr. Ready to table the vote until the next meeting, and see an amended application, with the bar only for service, and serving Sunday at 12 noon, not 11 am, seconded by Miss Towle, unan.

At 8:00 pm the Board met with **Ronald LaVie, Manager of American Legion Post 313.** They are **requesting an 11 am opening time on Sundays**, which Mr. LaVie claims they used to have. Mr. Lynch said that the Town has not accepted the statute enabling the Board to grant this opening. Mr. Johnson said if they grant this, the Board will be setting a precedent, but we will let Mr. LaVie know if the Board accepts CH 138, Section 33 A.

Exalted Ruler Allen Krause of the **Chelmsford Elks** was present **requesting a change in manager** from Laurence Ferguson to Arnold Silva, who has been acting manager since December 10. Mr. Lynch stated that we have not received a report from the Criminal History Systems Board, and Mr. Krause said that the Elks had a Search Committee for a new manager and checked references very carefully.
Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the change in manage subject to a favorable report from the CHSB.
Mr. Ready, Mr. Emerson and Mr. Blomgren all said that they are members of the Elks, and Mr. Mr. Johnson said he had checked the law with Town Counsel, and under Chapter 268A, as long as they have no financial interest in the organization and it is

non-profit, there is no conflict with members voting.

Evan LaBrow, Assistant Store Manager at **Child World**, 250 Chelmsford Street, presented an **application for an Automatic Amusement Device license**, a video-type game for youths 10 - 16. He did not know if other Child World stores have these games, and said that they don't want to turn the store into a hangout. Motion by Mr. Blomgren, seconded by Miss Towle, unan. to follow the Board's past practice and not permit another video game in Town.

The Community Alcohol and Drug Awareness Committee(**C.A.D.A.C.**) was present to update the Board on their activities. Connie Stone, President, said they have been in existence for 2 years, and that Scott Johnson has made a video presentation. Mr. Stone thanked the Board for their support and Scott Johnson gave the Board an update on their activities and handed out informational packets. **Jon Aronie** spoke on the Be A Leader Program, which he started, and encourages young people to stay away from drugs. After Jon's presentation to the Board, Mr. Johnson presented him with an Award of Appreciation. Mr. Johnson then told of the future plans for C.A.D.A.C., and invited any citizens to attend their meetings. Board members commended the C.A.D.A.C members for their efforts.

Mr. Johnson then re-opened the **discussion on Town Meeting and a Special Town Meeting.** Various options were discussed. Motion by Mr. Emerson, seconded by Miss Towle, unan. to delee the $3 million override question from the May 1st ballot and amend the other question to read $1.4 million, rather than $1.2.
Motion by Miss Towle, seconded by Mr. Ready, unan. to hold a Special Town Meeting on April 9th.

Under **Reports, Mr. Blomgren** asked to invite Coach Rich and the Division 1 Champion Wrestling Team to attend the next meeting. He asked that a note of congratulations be sent to Coach Fletcher and the Hockey Team for a successful year.

Town Manager Lynch reported that as of February 23 the Snow and Ice Account was overdrawn by $273,000. All the storms have been on weekends, and the overdraft will probably be $350,000 by the end of the season.
He reported that we need to take $204,000 from Free Cash for the County Retirement, and that at the Special Town Meeting we also need articles for quarterly tax bills and capital planning transfers.
Motion by Mr. Ready, seconded by Miss Towle, unan. to put these 3 articles on the STM warrant, and he said he also wants to get the feeling of the Town Meeting reps on an override.
Mr. Blomgren asked for a breakdown of expenses in the Snow & Ice account between Feb. 5 and Feb. 23, which amounted to $157,000.

Mr. Lynch asked for a 5 minute Executive Session.

Mr. Ready asked that a 4th article be placed on the STM warrant - to hear the report from the Fiscal Policy Committee.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to grant the 1-day All Alcoholic licenses requested by St. John's Church for March 16th.

Under **New Business**, Miss Towle said that 3 weeks ago there were 2 or 3 accidents on Riverneck Road, and asked if more can be done to straighten the curve by St. Joseph's Cemetery. Mr. Lynch said that the Board had voted to spend some Chapter 90 money on this, that the Town Engineer and NMAC have drawn up a plan, and he will get a status report.
Miss Towle then said that she thinks the minutes of the BOS meetings could contain only motions, with video and audio tapes as backup. Mr. Ready agreed with less discussion material. Motion by Miss Towle to keep the minutes as brief as possible and still legal. Mr. Blomgren asked for a report from Mr. Lynch as to how much time and money would be saved. Mr. Johnson would prefer to keep detailed minutes. Mr. Emerson moved to table the discussion until the next meeting, seconded by Mr. Blomgren, unan.

Mr. Lynch said he recommends March 12th for the next meeting, but Mr. Ready said he wants to meet March 5th to discuss the budget and fee increases.

Miss Towle said that there are between 3 and 5 real estate signs on the corner of Brick Kiln Road and Gorham Stret, and she asked Mr. Lynch to check on them

Motion by Mr. Ready, seconded by Miss Towle, unan. to hold the Annual Town Meeting on June 4th. Mr. Lynch said he will do his budget presentations during March, and Mr. Blomgren asked him to give a report on this on March 5th.

At 9:45 p.m. motion by Miss Towle, seconded by Mr. Ready, unan. to **adjourn to Executive Session to discuss Collective Bargaining.** Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson said the Board will not be returning to Open Session and there will be no announcements.

For the Board of Selctmen, by

Judith E. Cady

RECEIVED
90 MAR 20 AM 10:28
TOWN OF SHELBURNE
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selctmen held Monday, March 5, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Johnson opened the meeting at 7:05 pm stating that this is going to be a **budget session with the Town Manager.** Mr. Lynch said that the Fiscal Policy Advisory Committee report is contained in his memo to the Board. He added that the Solid Waste Advisory Committee is due at 7:30 to discuss user fees.

Mr. Lynch said that the $700,000 in **sewer betterment** fees is basically money that has been paid to the Sewer Commission from Town funds and should now be paid back. His recommendation is to only use the betterment fees until the money that has been fronted to the Sewer Commission has been paid back in full over the next 5 years, and after that the fees could be used to reduce the tax rate when the sewer bonding has peaked on the tax rate, or to extend the sewer service. He added that if the Board makes this policy tonight, he would like to see it remain in place. Motion by Mr. Ready, seconded by Miss Towle, unan. to establish a policy to use the sewer betterment fees to reimburse the Town for any money expended, and beyond the reimbursement to the Town, to use the money for extension of the sewer system. Mr. Blomgren asked Mr. Lynch for an analysis of how much money has been paid out and how much will be coming in.

The Board then discussed a **proposed increase to Miscellaneous Fees and Permits.** It was the consensus of the Board that this should be done when business is good, and not off like it is now and particularly when we are asking people to vote for an override. Motion by Mr. Emerson, seconded by Miss Towle, to not consider raising fees at this time. More discussion was held on the rationale behind raising fees, whether it should be done on a yearly basis, or every few years. Mr. Lynch said that without the $200,000 to be gained by raising fees, the budget will be short and have to be cut again. Mr. Blomgren showed two slides that he had prepared re Financing Strategy, and asked Mr. Lynch for more analysis. The vote on Mr. Emerson's motion was unanimous to not raise fees at this time.

At 7:45 pm the Board met with the **Solid Waste Advisory Committee** to discuss user fees for trash pickup. Various methods were discussed: a yearly fee billed to the resident, or a bag/tag method, where residents would have to buy special bags or tags to have material picked up by BFI. The Committee said that no towns

have experienced much increase in illegal trash disposal with this method, and recycling could increase by as much as 40%. They also recommended that the 5-bag limit be removed. After further discussion, motion by Mr. Ready, seconded by Miss Towle, unan. to place a 4-part non-binding question on the next available election ballot: user fee, bag/tag, get out of the trash business or increase the override.

Mr. Lynch said again that the budget is now over by $200,000 and Mr. Johnson asked him to do more work and the Board will vote next Monday night.

Under **New Business** Mr. Blomgren said he had made a visit to Frequency Sources and found that the technical aspects of their operation were beyond him. He feels we may need special counsel to advise and review this matter for the Town. Mr. Lynch said that Richard Day feels there is no need at this time. Mr. Blomgrena sked Mr. Lynch to please report on this at the next meeting.

At 8:40 pm motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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90 APR -3 PM 5:10

Regular meeting of the Board of Selectmen held Monday, March 12, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Johnson called the meeting to order at 7:30 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim March 12 - 18 as Camp Fire Birthday Week.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim March 11 - 18 as Girl Scout Week.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of February 26, 1990.

Ronald Wetmore addressed the Board as Chairman of the William Sewall Gardner Masonic Lodge, stating that the lodge would like to investigate the possibility of entering into an agreement with the Town for the use of the North Town Hall as a masonic temple. He said that a large number of the members are from Chelmsford, and they would like to restore and renovate the building to be an asset to the Town. They would plan to spend at least $50,000 on renovations, and their first preference is to buy the building outright, but if not, to have a long-term lease with a reverter clause. They are looking at the Wang building parking lot as a possible solution to the parking problem. Mr. Emerson stated for the record that he is a member of the lodge and will not be voting on financial matters. Mr. Wetmore said they could arrange to let Recreation continue to use a portion of the building for storage temporarily. He also stated that this is an unsolicited proposal, and they would be glad to let other civic groups use the building.
Motion by Mr. Ready, seconded by Miss Towle, unan. to let anyone else interested to make a proposal by the middle of May, to contact direct and indirect abutters, and schedule a Public Hearing for the use of the building, to be held at the Senior Center.

No one was present to discuss petitions of Mass. Electric Co.

Frank Ripley was present from Sunoco to request approval of an increase in storage at their Drum Hill Road facility. This increase had been approved some time ago contingent upon the installation o a monitoring well and testing of the tanks. The tanks were installed last fall, and there are now 3 10,000 gal. tanks for gas and 1 6,000 gal. tank for diesel fuel. Antifreeze, oils and greases are aboveground. Motion by Mr. Ready, seconded by Miss Towle, unan. to approve subject to a letter from the Fire Dept. that they approve of the test results.

Coach Bruce Rich and **members of the CHS Wrestling Team** were present. Mr. Rich introduced the team members and Mr. Johnson commended them for winning the Division 1 championship and Coach Rich for being named Coach of the Year. He presented an **Award of Appreciation** to the team.

The Board then met with the **Veterans Memorial Park Committee.** Mr. Lynch said that Chairman Mike Kinney wanted to show the Board the completed plans and that his Committee is resolving issues with Little League. Mr. Lynch will meet with both groups in the near future. Mr. Kinney introduced Landscape Architect Clara Batchelor, who explained the plan of the proposed park, noting that when the railroad bed is removed there will be 40 - 50 parking spaces for Little League. Mr. Emerson commented that he is wondering if this is the best place for the park, that there will always be a conflict and he thinks the park deserves a better location. Ms. Batchelor said it is an excellent site, and Mr. Kinney pointed out that veterans volunteers have spent over $10,000 in volunteer labor hours clearing the site. The Board concluded by stating that they want both groups to be happy, that they are 100% committed to both the park and the proposed Little League Senior Field and asked them to work with Mr. Lynch.

Attorney Joseph Shanahan was present asking the Board to approve a **one-day extension of the premises under the All Alcoholic Restaurant License issued to Bainbridge's at The Mill.** They will hold a fundraiser for the Chelmsford High School Athletic Department on March 24th. After discussion, motion by Mr. Ready, seconded by Mr. Blomgren, unan. to grant the 1-day extension of the premises to Bainbridge's.

Under **Reports, Mr. Blomgren** asked the Town Manager to outline the policy for replacing flags on the Center and North Commons. Mr. Blomgren also said that we do not have a consistent program for recognizing excellence in our students, and suggested that the Town Manager and Supt. of Schools work out a program to get recognition for outstanding academic and athletic achievement.

Under **Reports**, the **Town Manager** said that re revenue increases, he went back through last week's recommendations and made some changes, changing additional revenue from $211,000 to $114,000. He went over several areas where fees could be increased for services provided: police detail service charge - can charge 10% under the statute. This requires a lot of staff time and should be 10%. Under Fees, the maximum that can be charged for the trailer park is $12.00 per trailer. We are persently getting $8.00, and Mr. Lynch recommends going to $10.00. Mr. Johnson said he has a problem with this - we are not providing a service to them, and this is really another tax. This item will be tabled until the next meeting.

Motion by Mr. Ready, seconded by Miss Towle, unan. to approve the increases in the Fire Dept. service charges.
Motion by Mr. Ready, seconded by Miss Towle, unan. to raise fees in the Town Clerk's office to the maximum allowed for Business Certificates.
Mr. Lynch then outlined increases in other license fees: Sunday Entertainment to $200., Billiards to $20.00 per table; Auctioneer's to $50.00; Auto Dealer's to $100.00; and Common Victualer to $50.00. He is recommending increasing Dog Licenses to $10 per year (this requires Town Meeting action) and Marriage Licenses to $15.00. Motion by Miss Towle, seconded by Mr. Ready, to approve these increases. Vote was 4 in favor, 1 opposed (M. Blomgren).
Mr. Lynch recomended increasing Building Permits to $8.00 per thousand, to cover the inspection costs. After discussion, motion by Mr. Ready, seconded by Miss Towle, unan. to leave the fee at $7.00 per thousand.
Mr. Lynch then went over further reductions he has made in the budget: Police Dept. sich time uy-back; cutting Highway Dept. materials by $20,000; cut Sewer Commission Professsional Fees by $15,00; Snow and Ice Overdraft - cut by $6,000.

The **discussion on trash** continued. Various options were discussed, as well as how many options to put on the questionnaire or ballot question. Ms. Scavezze recommended giving two choices: bag/tag or trash override, and Mr. Ready agreed that many people want the option to vote on the override. It was agreed that there will be 3 options on the survey to be taken on April 3: trash alone override, bag/tag or flat yearly fee for trash pickup.

The **Town Manager reported** that he has spoken with Richard Day, and he feels that we do not need a consultant for Frequency Sources at this time.

He suggested that we appoint as special counsel Kopelman and Paige to work with Town Counsel on the Charles George Landfill matter. The other communities involved in the case are also using this firm. Motion by Miss Towle, seconded by Mr. Ready, unan. to do so.

Mr. Lynch said that April 9th, tentative date for the Special Town Meeting, is the start of Passover, and April 16th is a holiday and the start of school vacation week. Motion by Miss Towle, seconded by Mr. Ready, unan. to call the Special Town Meeting for April 23rd.

The Town Manager reported that under Workers Comp., the lost work days were down by 80% for 88-89, and the pattern seems to be similar for 89-90.
He added that he is asking for a brief Executive Session.

Under **Unfinished Business**, Mr. Ready asked Mr. Lynch to have recommendations on balancing the budget at the next meeting, He also said that he would like to set a policy of an annual increase in fees of 2 1/2%, and said he will need to know the total value of fees that have not been raised this year.

The Board has received more information from Attorney Shanahan on the **Mei Li Garden Restaurant** requested **Alcoholic License.** The hours requested are: Sunday - 12 noon - 10:00 pm; Monday - Wed. - 11 am - 10 pm; Thursday - Sat. - 11 am - 11 pm. He presented an amended floor plan showing no stools at the service bar. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

On the preparation of the minutes, Mr. Lynch said he will work with Mrs. Carter on editing them.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the **Tag Day for Oliveria Little** League contingent upon letters of approval from the landlords.

Under **New Business**, Miss Towle said there is an establishment at The Mill that has no Common Victualer license. Mr. Lynch said a letter has been sent.
She asked that a letter be sent to the Boy Scouts telling them again that parking is not allowed on both sides of Carlisle and Albina Streets, only one side.

Mr. Lynch said the shortfall is now between $33,000 and $39,000.

At 9:40 p.m. motion by Miss Towle, seconded by Mr. Ready, to **adjourn to Executive Session** to discuss the lease, purchase or exchange of real property. Roll Call vote was as follows: BAT-Aye; DJR-Aye; BOE-Aye; RAB-Aye; HRJ-Aye. Mr. Johnson said the Board will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
90 APR -3 PM 5:10

Regular meeting of the Board of Selectmen held Monday, March 19, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

At 7:25 pm the Board met with Barbara Scavezze and Michael Anthony of the Solid Waste Advisory Committee. Ms. Scavezze said the committee has two recommendations on the trash problem: 1. bag and tag - have the tags printed to use on all items, with a one price system that would be easier on the town and for the trash collector and would also take up much less space on store shelves. Mr. Anthony then went over the various means the committee used in trying to arrive at a cost per tag. Ms. Scavezze said the other recommendation of the committee is rather than do a survey at the polls, do a town-wide mailing with return cards on what method people prefer to pay for the cost of trash removal.

Chairman Johnson called the meeting to order at 7:40 p.m. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of the March 5, 1990 meeting.

John Schultz, General Manager of Nye's Japenamelac, was present with an application for a transfer of ownership of the company's flammable storage license from JEN Realty to CRT Development. He said that all operations will remain the same and they have an EPA permit to discharge wastewater into Hale's Brook. Mr. Ready said that the brook turns red at that location and he wants to see an improvement in what is being discharged. Mr. Schultz added that they will be tying into the sewer system in 6 - 8 months. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to write to the Board of Health and Sewer Commission for more information and further explanation before approving this transfer.

At 7:45 p.m. a Public Hearing was held on the application of Joseph Motzi, President of Entrepreneur Consultants, for a Wine and Malt Beverages license at Gourmet Express, 1 Village Square. Mr. Motzi had been told by the Board to establish a track record, which he has done. Mr. Motzi said he is requesting operating hours of 11 am - 11 pm Mon. through Sat. and 12 noon - 11 pm on Sundays. He said the layout will be the same as it is now, and the cooler for wine and beer will be able to be observed by employees. He is planning to have his staff trained to handle alcoholic beverages. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to follow the Board's policy and vote on this at the April 2nd meeting.

Michael Anthony then pursued the mailing of the trash removal questionnaire, which would cost app. $2,000. An alternative would be to publish it in the newspapers. It cannot be combined with the next flyer, since that is not due to go out until the middle of June..

At 8:00 p.m. a Public Hearing was held on the applciation of Bianco and Sons Catering for a Common Victualer's license. Frank Bianco said that his wife Diane and their two oldest sons are the chief employees, and most of the work is done off site. Food is prepared but not served on site at 16 Vinal Square, which contains the commissary kitchen and offices. They will be open from app. 8 am - 5 pm six days a week, and have received approval from all the other Town boards. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the license with the hours as requested.

Mr. Anthony then continued the discussion of determining the cost of trash bags or tags. Mr. Emerson said that the question tonight is how to conduct the survey, and moved to do so at the polls, seconded by Mr. Ready. Vote was 3 in favor, 2 opposed (Mr. Blomgren and Mr. Johnson).
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to put two override questions on the ballot for May 1st: one for $1.8 million for trash, and one for a $1.4 million general override.
Motion by Mr. Emerson, seconded by Mr. Ready, unan. to withdraw the exit poll.

Mr. Johnson then turned the chair over to Miss Towle, since he has the potential of being in conflict as a former owner of an abutting business to the next applicant's property. Miss Towle announced the Public Hearing on the application of David Cunha for a Billiard Parlor license and a Common Victualer's license at 67 Parkhurst Road. Mr. Cunha presented several letters of reference and the green REturn Receipt cards. He told the Board that he had gone to the Board of Appeals for a Special Permit for 17,000 sq. ft. for a combination billiards/golf operation, but they thought this was too large an establishment so he has scaled it down to include just 34 billiard tables and the serving of light foods. He is renting 9700 sq. ft., or 3 bays, and out of 165 parking spaces will not plan to use more than 50. He has made a $350,000 capital investment, and his 5 daughters will be his employees. Speaking in favor of the application was Magnus Einarson, property owner/abutter on Jean Avenue.
Donald Darling, 8 Richardson Road, and co-owner of "Pockets", said that they were given several restrictions when he and Bill Chandler opened their billiard parlor, and feels that Mr. Cunha should have the same restrictions - hours 11 am - 11 pm, and Common Victualer's license restricted to a snack bar. Mr. Emerson said he feels they should have the same time restrictions as"Pockets", and that Mr. Darling should apply to have the

restriction of snack bar removed from their Common Victualer license. Motion by Mr. Ready, seconded by Mr. Emerson, to approve the Billiard Parlor and Common Victualer's licenses, with the hours of 11 am - 11 pm. Vote was 4 in favor.

Mr. Johnson then resumed the chair.

Dr. Irving Newman addresed the Board regarding the ballot questions, saying that he is afraid putting on 2 questions will split the vote and neither override will pass. Mr. Ready commented that he feels the chances of the general override passing are better if people are also given the chance to vote on a trash override. Dr. Newman read a **"Vote Yes for Chelmsford"** statement, and Miss Towle moved, seconded by Mr. Ready, unan. to support the "Vote Yes for Chelmsford" Steering Committee.

Under **Reports, Mr. Ready** said that when the Board voted on the Summer Street traffic project, they only voted improvements on the Boston Road end. Mr. Lynch said that the Planning Board was notified what the Board approved, but they never voted themselves. Mr. Ready asked him to send a letter to the Planning Board asking if there is confusion over what the Board voted, and Mr. Lynch said he will get a status report.

Mr. Emerson asked the Town Manager for a status report on leasing land to Michaud Bus Company. Mr. Lynch said he has been meeting with the manager and they have been looking into both private and town-owned land. They have been discussing the Highway Dept. yard for about 35 buses and the dispatch trailer but there are concerns about the site and they would have to pay for improvements, paving and drainage so as not to contaminate the water supply. The bus company would lease the land for $19,000 per year, spend $5,000 a year on improvements and pay the Town $20,000 per year in excise taxes on the vehicles. Mr. Lynch said that they are negotiating on the subject of gas - they could use our tanks and pay the Town the cost of the fuel plus a $15% surcharge, which would cost $7,500 - $15,000 per year. The School Dept. will save $15,000 per year, so the net gain to the Town would be $66,000 per year.
Mr. Emerson asked if the Kecy land is involved and Mr. Lynch said No. Mr. Emerson said we have received a letter from the North Chelmsford Water Commissioners indicating that they have concerns. Mr. Lynch said he has spoken with Bruce Harper and this is why we want paving and no major maintenance work on site Mr. Blomgren said he feels the risk factor is too great and they should look for another site.
The Board then discussed the adjacent site, which looks like a private dump, and is of concern to the Conservation Commission. This situation has existed for several years and has been taken to court in the past. Motion by Mr. Blomgren, seconded by Mis Towle, unan. to get reports from the Conservation Commission and Board of Health on both properties and have the Town Engineer come in to explain the plan to the Board.

Mr. Blomgren reported that the flag on the North Common has been missing for some time and asked when it will be replaced. Mr. Lynch said in a month or so and Mr. Blomgren asked that it be made a priority.
Mr. Blomgren said that new hires should be approved by the Board of Selectmen after being appointed by the Town Manager. and requested that a freeze be put on hiring. Mr. Lynch responded that a freeze would interfere with the Manager's ability to run the Town, and said that he is not planning to create any new positions.
Mr. Blomgren asked about the OpTech voting machines and Mr. Lynch said that they will be demonstrated on April 5, and this is a chance for the Town to trade in our present machines for modern, faster machines for $34,000. This will come from a Capital Planning article and we want to do it now while we have the maximum value in our present machines.
Mr. Blomgren asked that the unregistered vehicle on the premises at 225 Main Street that has been there for 2 years be checked for violations of the by-law.

The **Town Manager** reported that he has asked for a $2.00 increase per month in **Trailer Park fees.** Presently $43,000 per year in real estate tax is paid by the owner and $12,000 per year is paid to the Town as trailer fees. This averages $220 per lot per year, while condos worth twice as much pay app. 4 times as much tax for the same services. Mr. Lynch said his proposal to increase the fee by $24.00 per year will bring the cost per unit to app. $244 per year. Motion by Mr. Emerson, seconded by Miss Towle, unan. to approve the $2.00 increase in fee.

Mr. Lynch reported that many groups are doing something for Earth Week and a Task Force is coordinating activities on a larger scale for a week-long celebration.

Mr. Blomgren then said he wants to rescind the vote on the Trailer Park fee increase unless the override fails - the increase in fee and the override would mean an increase of 21% to trailer owners. Other Board members disagreed, noting that all taxpayers will be affected if the override passes.

Mr. Lynch then reminded members and the public of the calendar of events for the next few months: Annual Town Election - April 3rd; Special Town Meeting - April 23rd; Special Election - May 1st; Annua Town Meeting - June 3rd.

At 9:40 pm motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Judith C. Carter

RECEIVED
90 MAY 11 PM 5:00
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, April 2, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **proclaim April, 1990 as League of Women Voters - Spirit of Democracy Month.**

Motion by Miss Towle, seconded by Mr. Emerson, unan. to **approve the minutes of the meetings of March 12 and March 19.**

Richard Costa, New England Power Company, was present representing Massachusetts Electric Company, and presented **petitions for transformer lines in North Chelmsford** on Quigley Avenue and Middlesex Street. He showed photographs indicating that the new lines will be on the other side of the track. They have received permission from Mass. D.P.W. and the work now being done is to the substation. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

Joseph Santos, New England Telephone Company, was present to discuss the **removal of double poles.** Mr. Emerson commented that we started talking about them more than 4 months ago, and although they hae reduced the number, the ones of most concern, in the Center and Vinal Square, are still in place. Mr. Santos said that in December and January they had moved all the poles that Mass. Electric is off, that Mass. Electric is starting with a private contractor and should be off all poles by July 1st. He said that this is a continuing problem and they have created the position of Pole Coordinator, Frank Samuel. He gave the Board an updated list of double poles still remaining.

Frank Peterson, Cemetery Supt. was introduced by Commissioner Charlotte De Wolfe. Mr. Peterson said they want to bring the Board up to date on their plans - that the Pine Ridge Master Plan is 90 years old and has been quite well followed, but for the sake of continuity they have had two **new plans drawn - one for Pine Ridge and one for Fairview.** Pine Ridge will be full in 4 years, and it should take about that long for a new section to be ready. He showed and explained a plan of Fairview, which will allow an additional 7200 graves. He then showed the Board the new plan for Pine Ridge, explaining roads, drainage and layout. He gave the Board handouts showing how the work will be done and paid for, and indicatd that they will need no new funding from the Town. Motion by Mr. Emerson, seconded by Miss Towle, unan. to support the cemetery projects and endeavors as presented. Commissioner Dr. Everett Olsen then complimented Mr. Peterson. He stated that they have increased most of their fees, and have discussed these increases with the local funeral directors. In 1990 they expect to turn back app. $30,000 to the General Fund, and in 1991, with the increases, they should have app. $61,550

for the Town. They are also looking into a Revolving Fund.

The Board then met with **DPW Director Jim Pearson** to discuss **leasing of space at the Highway yard by Michaud Bus Company.** Mr. Lynch told the Board that he has met with the Health Director and Conservation Commission Chairman, and will meet with the Commission tomorrow night. He said that National Bus Company is protesting the bid, and he is working with Town Counsel on this. Mr. Pearson said he has done the calculations for parking 36 buses in an area 250' by 90' deep, and it is all graded towards a catch basis with an oil hood and grease and oil separation tank and then a 12" pipe to an existing drainage and sedimentation pond, which makes a 3-way control. He added that no bus will be more than 2 years old, that they are inspected monthly by the Registry of Motor Vehicles, and no maintenance will be allowed on the property. When asked by the Board Mr. Pearson said he will also do calculations based on 25 and 100 year storms and look into lining the sedimentation pond. The Board asked if he would allow a private developer to proceed with a plan like this, and Mr. Johnson told him that we want the site over-designed, if anything. He added that he doesn't trust a 10-year storm run-off and wants to see the plan enlarged and over engineered. Mr. Lynch stated that we will be managing the site, and that Medford and Braintree both lease land to bus companies. Mr. Johnson requested that the matter be put on Hold until we hear from the Conservation Commission.

Under **Reports, Mr. Johnson** asked that we send a note to Monique Dumont, McCarthy Middle School Spelling Champion, congratulating her and asking her to attend a meeting to receive a certificate of appreciation from the Board.

Mr. Ready reported that he had received a letter signed "Taxpayer" and he read the letter, telling him not to click his pen during meetings, as it can be heard on cable TV. He asked the TV technicians to let the Board know if there is a sound like that going out over the air.

Mr. Emerson reported that on the snow removal cost issue, the Board has received a detailed report from Jim Pearson, DPW Director, and he is concerned that salt represents at least one-third of the total cost. Mr. Emerson moved that we adopt a "no salt" policy except in cases of extreme emergency and hazard, seconded by Miss Towle for discussion but stating that she wants a recommendation from Mr. Pearson. Mr. Ready suggested that they come to the Board for approval before using any salt. Mr. Pearso said there is more involved in salting than the cost and health reasons - there is also a safety factor, and it is not feasible to say "no salt". Mr. Blomgren said the Board has sent several memos to the Highway Dept. telling them to cut down on the use of

salt. Mr. Lynch said we have also told them to keep the Center clear, and that there is no clear policy on salt usage. Mr. Emerson said if we adopt the "no salt" policy tonight, we will have 6 months to make adjustments. The vote on his motion was unanimous in favor. Mr. Blomgren said he wants to go over Mr. Pearson's report in further detail at a later date.

Mr. Blomgren requested that we write to the State asking them to replace the Chelmsford signs at the Billerica line on Routes 4 and 129.

Mr. Johnson reported that he noticed that the public dock at Freeman Lake across from Marty's Bait Shop has been removed and can it be replaced. Mr. Pearson reported that it was replaced this weekend.

The **Town Manager** reported on the warrant for the Special Town Meeting to be held on April 23rd, briefly outlining each article.

He reported that if the override fails, he will go over the proposed budget cuts with the Department Heads at their Wed. meeting and will have a list of cuts ready for the public on Thursday night, and should also have the school cuts at that time. Mr. Ready said he wants to get the support of the Town Meeting reps on April 23rd on the budget cuts so people will know what they are voting for.

He reported that the curve on Riverneck Road is on the drawing board to be worked on in the next 6 weeks by NMAC. He also reported that the flag is now flying on the North Common.

Under **Unfinished Business**, motion by Miss Towle, seconded by Mr. Ready, unan. to **approve** the issuance of a **Beer and Wine license** for table service only to **Gourmet Express, One Village Square,** with hours of 11 am - 11 pm Monday through Sat. and 12 noon - 11 pm on Sundays.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve** the **Town Manager's bid award** to Advatex for $7,542 for the **removal of asbestos at the Center School**. Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve** the **Town Manager's bid award** for the **printing of the Annual Report** to the low bidder, Picken Printing, for $44.00 per page.

Miss Towle stated that there is a Chinese restaurant going into Vinal Square, and asked if they have applied for a license.

Motion by **Mr. Ready**, seconded by Miss Towle, unan. that any proposal for the use of the North Town Hall should include working out some storage space for organizations.

Mr. Ready noted that this is Mr. Blomgren's last meeting before his bid for re-election tomorrow, and read some remarks he had written about Mr. Blomgren's hard work as a Board member for the past six years.

Mr. Blomgren asked about the Altid proposed development in Westford and Mr. Lynch said there is a department head advisory group looking into it and they want to add 2 or 3 citizens to the group.
Mr. Blomgren thanked the Board for their cooperation over the past 3 years.

Mr. Johnson said this is his last meeting as Chairman and also thanked the other Board members for their cooperation.

At 9:20 p.m. motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn.

For the Board of Selectmen, by

Judith E Carter

Re-organization meeting of the Board of Selectmen held Monday, April 9, 1990. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Johnson called the meeting to order at 7:50 p.m.

The Board re-organized for the coming year.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to nominate **Miss Towle as Chairman.**
Motion by Mr. Emerson, seconded by Mr. Johnson, unan. to nominate **Mr. Ready as Vice Chairman.**
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to nominate **Mr. Johnson as Clerk.**

Mr. Ready read the **Earth Day Proclamation** and made motion, seconded by Mr. Emerson, unan. to **proclaim the week of April 22 - April 28 as Earth Week.** Students from **McCarthy Middle School** presented the Board with an **Earth Day Flag** and invited Board members to attend their Flag Ceremony on Wednesday.

There were no Reports from Board members.

Mr. Lynch reported that he has made the following **appointments: Diane Phillips as the full-time Assessor.** Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the appointment of Ms. Phillips, stating that she is an excellent Assessor.
Mary St. Hilaire as Town Clerk. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the appointment, stating that it goes without saying that she is a great Town Clerk.
Appointment of **James Doukszewicz as Treasurer/Tax Collector.** Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the appointment, noting that he is doing an excellent job.

Under **Unfinished Business**, Mr. Lynch reported that on the matter of the **lease of Highway Dept. land to Michaud**, he has met with the Board of Health and Conservation Commission and showed them the plan. Alterations were made to the plan after the last Board meeting, and the Conservation Commission unanimously approved the plan, with the detention area enlarged and the sides built up. Motion by Mr. Ready to approve, seconded by Mr. Johnson for discussion. Mr. Lynch said the retention area has been re-designed for a 100 year storm. Mr. Emerson asked about the terms of the lease and Mr. Lynch said 3 years, for $19,000 for rent, $5,000 for improvements and excise taxes on the buses, or app. $60,000 per year to the Town, including a surcharge on fuel sold. Mr. Blomgren said that the long term threat outweighs the short term benefit to the Town, and he questioned National's question on the bid. Mr. Lynch said their claim was improper. Mr. Johnson said he feels there is potential exposure for the Town with Workers Comp. and liability, and we should get advice from Counsel.
Leslie Adams, North Chelmsford Water District Chairman, said he was told that the Conservation Commission did not meet, that the meeting was between Mr. Lynch and the Chairman, and it was not a

unanimous vote to accept the plan, which the Commissioners are afraid will affect their wells. He added that the Town is the biggest violator of our own rules and regulations, and if this lease is approved, the District will withdraw all financial support for the Lamplighter Green suit. Mr. Lynch said that the entire Commission voted at their meeting.
Mr. Ready said the Board should table the matter as suggested by Mr. Johnson.
Bruce Harper, N. Chelmsford Water Supt., said that a copy of a letter had been sent to the Town Manager noting the Acquifer Protection By-law, under the 1988 Zoning By-law, which prohibits more than 10 buses in an acquifer protection area. Miss Towle read a letter the District had sent to Health Director Richard Day.
Mr. Adams said that the land between the High School Driveway and the Ice Cream Stand on Graniteville Road was town-owned and they would support that area for bus parking. Mr. Lynch said that the Highway Dept. has been using the land in question for parking vehicles, and the Board of Health and Conservation Commission have no problems with Michaud using the Highway land.
Mr. Johnson said he has a major problem with it - the Town said No to Lamplighter Green and we have to look at the 1990 laws although the garage has been there for years. He moved, seconded by Mr. Emerson for discussion, to refer the question to Town Counsel re the water acquifer protection area and bus terminal zoning. After discussion Mr. Johnson rescinded his motion and moved to deny permission to Michaud and tell them to look for another site, based on the Water Protection Law. Motion was seconded by Mr. Blomgren and passed unanimously.

An application was received from **Charles D'Angelo for a Roadside Vendor's license to sell Easter flowers** on his property at **61 Tyngsboro Road from April 11 - April 15, from 9 am - 6 pm.** Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve.**

Robert Greenwood, Conservation Commission Chairman, arrived at the meeting and said that there had been a full Conservation Commission meeting and the plan was approved.

Mr. Ready said that Board members had met with the **Vote Yes for Chelmsford** Committee and that Mr. Lynch did an excellent job in his presentation of the override questions.

Miss Towle presented a mounted gavel to Mr. Johnson and said that he has done a great job as Chairman the past year.

Marianne Paresky, McCarthy Middle School teacher, told the Board about the Odyssey of the Mind program and that 2 teams are going to Ames, Iowa, and they need sponsors to raise $9,000 for expenses. Mr. Blomgren said we should ask them to a meeting when they get back.

At **8:35 pm motion** by Mr. Ready, seconded by Mr. Johnson, unan. to **adjourn.**

For the Board of Selectmen, by
Judith E. Carter

RECEIVED
90 MAY 11 PM 5:00

Regular meeting of the Board of Selectmen held Monday, April 23, 1990 in Room 117, McCarthy Middle School at 6:45 p.m., prior to the Special Town Meeting. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present. Miss Towle was away on business.

The Board discussed their position on Warrant articles for tonight's STM, agreeing to Hold on Articles 1 and 2, and motion by Mr. Emerson, seconded by Mr. Johnson, unan. to record the Board as not in favor of purchasing new voting machines this year under Capital Planning, Article 3, since it would only save the Town app. $800 per year.

Vice Chairman Ready called the meeting to order at 7:00 p.m.

Mr. Johnson read the Arbor Day proclamation and moved to proclaim Friday, April 27, 1990 as Arbor Day, seconded by Mr. Emerson, unan.

Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. to waive the reading of the Youth Government Week Proclamation. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to proclaim the week of April 23, 1990 as Youth Government Week.

Under Unfinished Business, motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the fire lane placement at 106 Tyngsboro Road as requested by Fire Protection Officer Captain Michael Burke.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to request Mass. Electric Company to install the streetlight at the end of Higate Road as recommended by Safety Officer Patrick Daley.

Motion by Mr. Emerson, seconded by Mr. Blomgren, to approve the request of Henry Sheppard for a 1-day Auctioneer's license to sell antiques at The Mill, 73 Princeton Street on April 28th from 5:00 pm to 12 midnight, contingent upon Mr. Sheppard obtaining the services of a Special Duty Police Officer for traffic control and general surveillance. The vote on the motion was 3 in favor, 1 abstention (Mr. Johnson, because he lives in The Mill complex).

Under New Business, Mr. Lynch told the Board that the Planning Board has requested special legal advice for the Children's Discovery project on Chelmsford Street, and he recommends that the Board approve the appointment of Attorney Thomas Arnold re the Special Permit, covenant and land use issues. Mr. Ready said he has a problem spending money for a second opinion when the residents in the area have already hired an attorney for a second opinion. Mr. Johnson said this is the first time the Planning Baord has asked for this and if they feel it is that important, they should be allowed to get another opinion, that we are not setting a precedent.

Motion by Mr. Johnson, seconded by Mr. Emerson, to appoint Attorney Arnold to review these matters with the Planning Board. Mr. Lynch said that payment to Attorney Arnold can be limited to not more than $1500.00, and Mr. Blomgren asked for a recap on what we have paid Town Counsel to date on this matter. Vote on the motion was 3 in favor, 1 opposed (Mr. Ready).

At 7:15 pm Moderator Dennis McHugh opened the **joint meeting of the Board and the School Committee for the purpose of making the appointment of a Chelmsford rep to the Nashoba Valley Technical School Committee.** Mr. McHugh said that there is only one applicant, and since there are no School Committee members present, we have two choices - postpone the appointment until the next meeting, or have a vote subject to quorum requirements. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to **postpone until April 30th at 7:30 pm**, and send a note to the School Committee telling them we have done this so they can participate.

Mr. Lynch told the Board that the Library Trustees have asked to make the joint appointment to fill their vacancy on May 7th. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to ask them to attend the BOS meeting on May 7th at 7:30 pm, and to advertise the position.

The Board then continued their **discussion of Warrant Articles.** Mr. Emerson said it has been brought to his attention that the DPW and Park Dept. haven't started cleaning up Varney Playground yet, and Mr. Lynch said that he has sent Don Gray and the Highway Dept. to do this job.

On Article 3, Mr. Lynch said they are withdrawing the voting machines item since the expense is not justified at this time. On the tennis court repair, Mr. Johnson noted that this and most of the other items are everyday use items and the money has already been voted for these purposes. The Sewer Dept. pickup truck request was discussed, and motion by Mr. Blomgren, seconded by Mr. Johnson, unan. to recommend that this item be postponed for now. It was agreed that the Board will poll during the meeting on the other articles.

There was discussion of Article 6, a Fire Dept. petition regarding lay-offs by seniority. Mr. Johnson said that seniority should be a position, not length of service, and other Board members agreed. Mr. Lynch said this is a union matter. Motion by Mr. Johnson, seconded by Mr. Emerson, to support Article 6. Vote was 3 in favor, 1 opposed (Mr. Blomgren, since he felt this was a matter for collective bargaining).

At 7:30 pm motion by Mr. Johnson, seconded by Mr. Emerson, unan. to **adjourn to Special Town Meeting.**

For the Board of Selectmen, by

Judith E. Cart

RECEIVED
90 MAY 30 PM 12:38

Regular meeting of the Board of Selectmen held Monday, April 30, 1990. Members present were: Mr. Ready, Mr. Johnson and Mr. Emerson. Town Manager Bernard Lynch was also present.

During the **Open Session**, Cheryl Boss, FinCom member, said that we want to keep the voters and the townspeople informed, and she wants to thank Bernie Lynch and Tom Carroll for their Herculean task in preparing and then cutting the Town and School budgets. She added that the insert in the Advertiser gives no one any excuse for not being an informed citizen.

Vice Chairman Ready **called the meeting** to order at 7:30 p.m. noting that Miss Towle is ill with a stomach infection and Mr. Blomgren is away on business.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to **approve the minutes** of the meetings of **April 2, April 9 and April 23, 1990.**

Mr. Ready then turned the meeting over to Moderator Dennis McHugh, who stated that he is meeting with the Board of Selectmen and the School Committee for the purpose of appointing a Chelmsford representative to the **Nashoba Valley Technical High School Committee.** Mr. Johnson placed in nomination the name of the **incumbent Thomas Carey for a 3-year term**, seconded by Carl Olsson. Vote was as follows: Wendy Marcks-Aye; Mary Franz-Aye; Carl Olsson-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Ready-Aye; Mr. McHugh-Aye.

The Board then met with Eijiru Kusakari, World Student Service Corp. who is requesting a **Roadside Vendor's License** to sell flowers at Marty's Bait Shop on Groton Road. He said that the W.S.S.C. is a non-profit organization made up of students who raise money selling flowers and make donations to underprivileged countries. Mr. Johnson said he has a problem with a license like this because they are competing with tax-paying businesses. He also questioned the purpose of the organization, and Mr. Kusakari said that the organization was founded in 1986 to encourage students to do service for other people.
Motion by Mr. Emerson, seconded by Mr. Johnson, unan.to authorize M. Lynch to approve or disapprove this license subject to further investigation of the applicant and his organization.

Under **Reports, Mr. Johnson** reported that 4 overrides had been passed over the weekend in Hingham, Milton and Belmont and reminded residents that our Town has a very important vote tomorrow, and Mr. Ready reminded voters that we pushed for the Special Election for State Senator and should back this up with a good turnout.
Mr. Johnson reported that Dr. Paul Murphy has done a great job renovating an old building on Princeton Street and we should send him a letter of commendation.

George Gagan, **New England Telephone Company**, was present to request approval for **4 petitions**. The first was to install 480 feet of underground conduit on **Quigley Avenue** and 150 feet on **Middlesex Street**. No one present spoke in favor of or opposed to this petition. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve.
The other 3 petitions were for formerly private ways made public - **Armand Drive, Wiggin Street and Poplar Lane**. The work has already been done on these streets, and they just need the Town's approval. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve.

Under **Reports**, Mr. Ready said that there is a hole in the bridge on Westford Street over Route 495, and Mr. Lynch said he will call tomorrow on this. Mr. Johnson said that the federal government is holding $400 million for the State to repair roads and we should tell the state if we have an increased gas tax it should go for roads. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to write a letter to the state on the deplorable condition of roadways in the Commonwealth.

At 7:45 p.m. the Board held a **Dog Hearing** regarding a pit-bull type dog owned by Neil Wilkins, 21 Bridge Street. Mr. Ready swore in everyone who was going to testify. Dog Officer Franklin Warren gave the background of the case, stating that he has received 7 complaints between February 2, 1989 and February 26, 1990 against the dog owned by Mr. Wilkins. No citations have been issued because the dog has not been running loose when he has been there, but the complaints are that the dog has been running out, barking and scaring people and has attacked a mailman. He was not bitten, but his clothing was torn. On Feb. 27 he called Mr. Wilkins and told him to keep the dog restrained and there have been no complaints since then.
Raymond Silva, Watson Street, Lowell, said he has been a letter carrier on Bridge Street for 10 years, and described the incident with the dog in detail. He feels the dog is too aggressive to be in a family neighborhood. Mr. Ready asked what he wants the Board to do, and Mr. Silva said to have the dog removed from the neighorhood. Mr. Wilkins then told the Board that the dog is not a pit bull but a Staffordshire terrier, that all the other dogs on the street run loose and have attacked his grandparents' dog. He feels he is keeping the dog under control. Mr. Ready asked what he would do and Mr. Wilkins said he will keep the dog leashed and put up a fence. He also claimed his dog has never hurt anyone.
Stephanie Lindell, 60 Bridge Street, said she and her children do not dare walk down the street. John Lindell said that the dog confronted him once and he only got away by getting in a neighbor's car, and has real concerns that the dog may hurt a child.

Elias Safdie, 39 Bridge Street, said his son is a Globe paperboy and has had a couple of incidents with the dog. He admitted their own Labrador runs loose occasionally. He suggested that Mr Wilkins try dog training obedience classes, neutering the dog, fencing, or a muzzle.
Patricia Wilkins, 21 Bridge Street (Neil's mother) said that the Safdie dog runs loose.
Joyce Newcomb, 69 Bridge Street said that she saw Mr. Silva after the attack and he was badly shaken up.
Faith Hallok, 23 Bridge Street, said she witnessed the attack on Mr. Silva.
Mr. Ready said that a dog has to be under the owner's control if not leashed in the yard, and Mr. Johnson said that Mr. Wilkins is putting the Town in a liability situation. Mr. Emerson said we lie in a society of people and should not be threatened by an animal and there is no excuse to keep an animal that's a threat to a neighborhood.
Motion by Mr. Emerson, seconded by Mr. Johnson, unan. to order the dog removed from Town within 10 days. Mr. Wilkins said that no dog had better come in his yard unleashed.

Members of the **Chelmsford Center Neighborhood Association,** represented by David Stinnett, 47 Billerica Road, met with the Board and handed out more information on **Summer Place:** a record of Secy. DeVillars conclusion and comments from other State Boards and offices, and he then read a letter from him saying that he would have require more traffic studies.
Mr. Johnson said the Board understands and appreciates their concerns, but the Board voted to deny traffic improvments on the Rte. 129 end of Summer Street for that reason, and that most of the Associations remarks should be heard by the Planning Board. Thi project has gone from 80,000 square feet own to 28,000 square feet. Mr. Stinnett said that the Planning Board has approved the plan, with stipulations, and has the Board of Selectmen approved it?
Mr. Johnson said that the Board voted to reject the Rte. 129 end of the poject but to approve the Boston Road end, as stated in their letter of January 24th. Mr. Lynch read the letter stating that the Board did not approve turning lanes. Mr. Stinnett said that the stipulations say that all improvements must be approved or the Planning Board cannot approve the plan. Mr. Lynch said he is checking this with counsel and has told the Building Inspector nd the Sewer Dept. not to issue any permits. He is unclear as to what the Planning Board thinks the status of the project is.
Board members further discussed the project, concluding that the plan is back with the Planning Board. Mr. Stinnett asked is there a time limit for the Planning Board to reopen the hearing and does the public have to be notified, and Mr. Lynch said he is checking with counsel. Mr. Johnson said they should be asking the Planning Board these questions, and Susan Juhola, 37 First Street, thanked the Board for their clarification.

Under **Reports**, **Mr. Ready** said that Earth Day and Clean Up went very well, and he wants to thank Donna Johnson and Barbara Scavezze and send them letters of appreciation.

He said that he spoke to the third grade at the Byam School and some of their thank you letters referred to trucks parked under the power lines in the area. He asked the Town Manager to check with the Building Inspector on this.

Mr. Ready noted that Letters to the Editor in local papers all ask why the Board of Selectmen is going for an override, and he wants the people to know that we live with a balanced budget and it is up to the people what that budget should be.

Mr. Lynch reported that he received an anonymous letter and wants to state that the Vote Yes pamphlet did not come from his office but that the Citizen's Guide to the Budget did. He would like to respond to the letter but can't since the letter was unsigned. He added that there has been a very good response to Blueprint 2000 and he will publish the results.

Mr. Lynch reported that re **Clean Up Day** he wants to thank Donna Johnson and Barbara Scavezze particularly for a tremendously successful day. He is working with the DPW Director and other department heads on maintenance during the summer, and added that we need to target our resources.

Mr. Ready said that Special Town Meeting gave us $60,000 to repair the tennis courts at McCarthy, and when will this be done? Mr. Lynch said by Fall.

Under **Unfinished Business** motion by Mr. Johnson, seconded by Mr. Emerson, unan. to renew the Billiards license for "Pockets", since there have been no incidents reported and to prorate the fee so that the license will be renewable on January 1, 1991, in line with all other licenses.

Under **New Business** Mr. Emerson said he has noticed that Brambles Restaurant has been changed to The Ground Round. Mr. Lynch said the Board will be asked to approve this at the next meeting.

Mr. Ready said that he really enjoyed Youth Government Day, and that Amy Hiltz, student Chairman of the Board, said "our school is in trouble", which he felt was a sad commentary.

Under New Business, Mr. Ready commented that the businesses in Town have helped school programs and maybe the Board could sponsor a "Do Business in Chelmsford Week", and draft a proclamation for a week in May or June.

At 9:15 p.m. motion by Mr. Johnson, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
90 MAY 15 PM 3:30
MARY E. SULLIVAN
TOWN CLERK

Work Session of the Board of Selectmen held Monday, May 7, 1990. **Members present** were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Town Manager Bernard Lynch was also present.

Members of the **Finance Committee** were present to discuss the failures of the overrides and the effect on the budget. Mr. Johnson stated that there are no alternatives to the overrides, the community has told us to do certain things, and if we don't do them., we will have no credibility.
Mrs. Boss said that it is the job of the Finance Committee to have a balancd budget. The Townspeople were well educated on the need for the overrides, and she feels it is a credibility problem and we shouldn't come up with alternatives.

Mr. Emerson moved, seconded by Mr. Ready, unan. that no salary, contract, collective bargaining or negotiable expenditure exceed a 2 1/2% increase over the preceding year unless approved by a majority vote of Town Meeting members.

Mr. Lynch commented that in prior years revenues have exceeded 2 1/2%, and this year are only 1/2%.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to support the cuts recommended by the Town Manager for at least 3 months, line for line, word for word and item for item and have him implement whatever can be immediately. Mr. Lynch said that we now have one contract under negotiation, and that he has made a couple of very minor changes - we need a transitional approach into a regional Veterans' Agent, and although the Recreation Department and programs are eliminated, he is keeping a small salary for a part-time clerk to schedule fields.

The **Solid Waste Advisory Committee** was present to discuss the trash collection problem. Michael Anthony said that the majority of the Committee recommends a combined user fee-bag/tag system. The Committee has determined by observation that the average household puts out 2 very full trash cans each week.
Committee member Tom Mills and Selectman Blomgren proposed using a subscription service, which had not been discussd before. Board members discussed this at length with the Committee but felt that since this has not been presentd as an option to residents, this is not the time to consider this proposal.
Motion by Mr. Johnson, seconded by M. Emerson, to support the user fee/tag system as proposed by the Committe. Vote on the motion was 3 in favor, 1 opposed (Mr. Blomgren).

Mr. Lynch said he is looking into necessary by-law changes, and will update the Board on the implementation of the program.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
90 MAY 30 PM 12:38

Regular meeting of the Board of Selectmen held May 14, 1990 at the Parker School Cafetorium. **Members present** were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the **Open Session**, William Spence, 91 Billerica Road, spoke to the Board questioning the proposed bag/tag system for collecting trash. He said that he feels people will just dump anywhere or use dumpsters belonging to businesses, and that BFI will pick up each house on an individual contract for $15.00 per month, whereas bag/tag could cost up to $25.00 per month. Mr. Johnson said that the people knew there would be additional cost with a new trash collection system when we asked them to vote for the override, and Mr. Ready said that anyone can get a private contractor but needs a certificate proving that they have one, and will not be able to participate in recyling. Mr. Spence said that before the Board votes on a system they should invite all the Town Meeting reps to a meeting to discuss various options and Mr. Johnson told him that the Board has to go with what they said they would do or lose all credibility. Mr. Spence said that he thinks we will need a transfer station eventually. Mr. Ready said that $15.00 a month does not include recycling or picking up the Town's trash, and that we are short $300,000 that has not been budgeted. Mr. Johnson said there is no good area in Town for a transfer station, that any area would affect some people with increased traffic. Mr. Blomgren said that a contractor could build recycling costs into his fee structure, and he agrees with Mr. Spence that there are alternate ways. Sam Rosenthal, a trustee at Scotty Hollow Condominiums and member of the Greater Chelmsford Condo Association, asked if condos will be assessed the $95.00 fee and Mr. Lynch said that they are using the Assessor's data base and condos are not included. Mr. Ready said that we are going to try to bring condos into recycling, and would they consider paying a lower fee, and Mr. Rosenthal said he thought this could be negotiated.

Chairman Towle **called** the **meeting to order** at 7:30 p.m.

Under **Reports, Mr. Ready** said that the Westford Street, Golden Cove and Chemsford Street bridges over 495 all need to be patched and Mr. Lynch told him that he has checked with the State and many projects, including Route 110, have been put on Hold.

Mr. Johnson said that when the Board meets with the Library Trustees to fill their vacancy they will also discuss where they can cut their budget.

Mr. Blomgren said that the signs on Route 129 and Route 4 have still not been replaced and that he has seen signs on Route 3 both Norh and South giving directions to the Lowell Hilton. Mr. Lynch said he was aware that they have signs on Route 495 and he will contact the state to find out why we can't also have signs.

Mr. Blomgren said that Brambles has changed to The Ground Round and asked when are they coming in. Mr. Lynch said the May 29th meeting and Mr. Blomgren asked him to recommend any punitive measures the Board should take with Roslyn Shops of Chelmsford, Inc. for not obtaining the Board's approval before changing the name of their restaurant.
Mr. Blomgren asked that the owners of the Chelmsford Newsweekly be invited to a meeting so the Board can congratulate them on their 50th anniversary.
He also asked that Frequency Sources be requested to attend a future meeting for an update on their testing process.

Motion by Mr. Ready, seconded by Mr. Johnson, to **approve the minutes of the Work Session on May 7**. Vote was 4 in favor, 1 abstention (Miss Towle because she was not present).

Under **Reports, Town Manager Lynch** said that he is starting an **"Adopt A Park"** program that he will be holding a formal announcement event on Friday in Vinal Square. He is looking for corporate contributions or volunteer efforts to take care of the small parks and islands in Town. This is being done in Peabody and other cities, and we have already received several commitments from businesses. Mr. Ready asked about the Town's liability and Mr. Lynch said that volunteers are covered under the Town's policy. Mr. Emerson said that the Rotary Club wants to participate. Mr. Blomgren said he thinks we need rules and regulations and should have Town Counsel draft them. Mr. Lynch told the Board that groups will be required to present their plans and sign indemnifications. Mr. Blomgren said if there is a groundswell how will we pick and choose groups, and Mr. Lynch said first come, first served. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to ask the Town Manager to put together a policy on rules and regulations and selection criteria.

Mr. Lynch reported on **night street sweeping**, saying that we have a night crew in winter, and have tried doing it for 3 weeks by sweeping the major streets at night. This way we don't pay police detail or tie up traffic, and have saved about $5,000

As an update on the **Summer Place project**, he is meeting with the Planning Board on Friday morning.

On **trash user fees**, we are working with BFI and they will administer the program as established. We are getting prices on tags and will order enough for a quarter of the year. They will be sold at Town Hall and stores around Town. Bills are going out June 15th and will be due back by July 15th. The Board of Health is meeting tonight and will be discussing the licensing of trash collectors. The tags will go on sale June 20th and the business community is willing to participate.

At 8:00 pm the Board held a **Public Hearing** on the **use of the North Town Hall**. Ronald Wetmore spoke, stating that his Masonic lodge is still proposing to buy or lease the building to use as a masonic temple. They would leave the exterior as it is now, only with handicapped access, new paint and replacement windows. Their buget analysis indicates that renovations will cost app. $50,000, which they will raise themselves. Mr. Wetmoe explained the types of meetings that would be held in the building. When Miss Towle asked, James Good and Gladys Castonguay spoke in favor of the proposal. The Baord then discussed the pros and cons of selling and leasing and decided they would want to lease. Mr. Lynch said they could not lease for more than 10 years. Motion by Mr. Ready, seconded by Mr. Johnson, to authorize Mr. Lynch to lease the North Town Hall and develop a lease with the group before us tonight and also take care of storage considerations. Vote was 4 in favor, 1 abstention (Mr. Emerson since he is member of Sewall Gardner Lodge).

Under **Unfinished Business**, motion by Mr. Redy, seconded by Mr. Johnson, unan. to renew Sandra Hone's Roadside Vendor's license to sell hot dogs, as requested.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the Roadside Vendor's license renewal for Doreen Bonney and Delores Jamros.

Under **New Business** Mr. Lynch said that Greystone Pond, which was originally Stonehenge and then Granite Pond, is the subject of a letter from the Westford Executive Secretary stating that since this is a major and complicated project Westford is asking the Secretary of Environmental Affairs to appoint a Citizen's Advisory Committee. They are asking Tyngsboro, Chelmsford and NMAC to support the request for this committee, which would have 3 members from each of the 3 communities. Mr. Ready said that we met with the Westford Board a year ago and asked for a traffic impact study including an off ramp from Route 3. Mr. Lynch told him that this has not been done yet and the Town has a committee that has met 4 times.
Mr. Johnson said that only a small portion of the project will be in Chelmsford but we will get most of the traffic problems and he would like to meet with Bob Halpin and the Westford Board of Selectmen. Mr. Lynch said he will ask them, Selectmen from Tyngsboro and Dunstable and NMAC Director Bob Flynn to a meeting, possibly June 5th. Mr. Emerson noted that this is a major, major development and we should take all precautions, and asked that we also invite the developer to make a presentation.

Mr. Lynch then went over **warrant articles** with Board members. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to have the Fiscal Policy Advisory Committee report under Article 1.

Mr. Lynch said that Articles 9 and 10 should be reversed. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to ask Mr. Lynch to rework Articles 8, 9, 10 and 11 and bring them back to the next meeting.

Under **New Business** Mr. Ready asked about condos participating in recycling, and Mr. Lynch said he has talked about this with the Solid Waste Advisory Committee and they are talking with David Vining about starting a condo program.

Mr. Blomgren said that snow removal will come up at the Annual Town Meeting, and moved to draft a letter from the Town Manager telling the churches in Town that the Town cannot plow their parking lots next winter, since it costs between $45,000 - $50,000. Mr. Ready was opposed, saying that the Town uses these lots for carpools, etc. Motion was seconded by Mr. Johnson, and the vote was 3 in favor, 2 opposed (Mr. Ready and Mr. Emerson).

Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to ask the Town Manager to draft a procedure for a better way to use contracted services and legal counsel, and bring it back to the Board by June 4th.

There was discussion of the $700 million that the State is supposed to get back to the cities and towns. Mr. Lynch will look into this and phone the Board members.

The rising cost of county retirement was discussed and Mr. Lynch said he has been talking to a Boston group who will do an actuarial analysis.

Mr. Blomgren brought up the subject of traffic control and presented a list of recommendations he has for placing Stop signs at various locations to discourage commuters from using North Road as a by-pass. This will be sent to Traffic and Safety for their review.

At 9:30 p.m. motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
JUN 10 PM 3:49

Regular meeting of the Board of Selectmen held Tuesday, May 29, 1990. Members present were: Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the **Open Session**, Tom Mills, 21 Wagon Trail Road, spoke to the Board about the budget analysis done by the Town Manager that was inserted in the Merrimack Valley Advertiser. He questioned several figures used, and gave his thoughts on trash collection, saying that he believes the cost can be brought down to a user fee of app. $60.00 per year, plus $1.00 per container. Mr. Emerson told him that he is sure the Town will offer the most feasible program. Mr. Mills clarified that he was present as a private resident, not a minority member of the Solid Waste Advisory Committee.

Mr. Lynch then introduced **Robert Flynn, Executive Director of the Northern Middlesex Area Planning Commission (NMAC)**, and said that he had asked Mr. Flynn to speak to the Board about the **Citizens Advisory Committee on the Greystone Pond Project.**
Mr. Flynn told the Board that the project is about 850 acres in three towns, with the majority of the project in Westford. The Westford Advisory Committee and NMAC are advising having a Citizens Avisory Committee to review the Mass. Envionmental Protection Agency Environmental Impact Review (EIR). The project is "major and complicated" and it is usually automatic for Secretary DeVillars to appoint a Citizens Advisory Committee on projects of this type. He stated that the proponent seems to be steering away from the regulatory process, and that is why Westford petitioned MEPA for a Committee. Mr. Ready said that if we have a committee and Westford has a committe, does the Town give up any rights with a Citizens Avisory Committee? Mr. Flynn said no, that the Committee gives more input to MEPA, and if the Committee doesn't agree with the Board of Selectmen, they file a minority report. He added that NMAC has been involved with 2 advisory committees and they haven't diminshed the Selectmen's impact on MEPA. NMAC and the CAC would only study issues brought up in the EIR and make recommendations. Mr. Ready said that we don't have the funds to study alternatives, and Mr. Flynn said that if we don't take advantage of CAC, it is more unlikely that the right questions will be asked. He sees the CAC as an additional step in the process, not a drawback.
Mr. Lynch said that the Westford BOS subcommittee is meeting with the developer tomorrow, that they are planning a Public Forum in the Nabnasett section of Town and that on June 19th there is a meeting with Westford Boards and Committees. Mr. Ready said he would be glad to go to a Westford BOS meeting, and Mr. Lynch will find out when. Mr. Emerson said he shares Mr. Ready's concerns that we don't give up any of our authority, that traffic is a major consideration and the Citizens' Advisory Committee seems to

be a good idea.
Mr. Flynn said that Sec'y. DeVillars makes the final appointments to a CAC, but seeks recommendations from the communities involved.
Mr. Blomgren suggested that the Board write to the state first, putting forth the names of our candidates. Mr. Lynch said we have until July 13th to do this. Mr. Ready suggested that we invite anyone interested to apply for the Committee, that we meet with the Westford BOS on June 5 and, if we decide to go forth with the idea of requesting a committee, write to the State and give them the names of those we want appointed. Mr. Lynch said that the Traffic and Safety Committee has hired Boston Surevy Corp. (BSC) to review the traffic impact of the Greystone project.

Chairman Towle called the meeting to order at 7:50 p.m.

The Board then paid tribute to the Chelmsford Newsweekly for 50 years in the business of giving Town news to the Townspeople and gave a Certificate of Appreciation to Publisher Ed Krasnecki.

Bob DeRossett, New Engldnd Telephone Company, was present with a petition to install 13 new poles on Shore Drive to improve phone service. He said poles 1 - 5 were petitioned for by Mass. Electric, and these are poles 6 - 18. Mr. Ready said he has a concern, that Shore Drive is a scenic area and a good spot to put utilities underground. Mr. DeRossett said he is not an engineer and there may be reasons not to depress them - that they may be too near the lake, etc. since this is a joint petition with Mass. Electric and they may not want their electrical wires below the water level. Mr. Ready moved to put this on Hold and asked the utility company representatives for more information and to come back with an alternative design and explanation of why the service is needed, seconded by Mr. Emerson, unan.

Mr. DeRossett then presentd a petition for Richardson Road to place buried conduit under the street to an apparatus pad. The service area interface will be in the unpaved section of the road, adjacent to the chain link fence on the Princeton Street side of the Highway Garage. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to table until the next meeting and ask them to submit a new plan showing the location of the Highway Dept. yard and buildings.

Robert Ogden, Mass. Electric Company, petitioned the Board fo place underground secondary cables across the cul-de-sac on Loiselle Lane, to serve Jeff Miller, who is building on the back of Lot 8. The cables will bisect the cul-de-sac, and all be underground. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve this petition.

Attorney James Geary was present, representing **Mobil Oil Company, 30 Central Square**, requesting an **increase in capacity** at that site. He presented the Return Receipt cards, and said that abutter William Riney has no objections. They want to add an 8,000 gallon tank for a total of 36,000 gallons of gasoline underground, and to remove a 1,000 gallon fuel oil tank, since they are converting to natural gas, and to remove the 1,000 gallon waste oil tank and replace it with a 275 gallon tank aboveground. This will make a total of 36,000 gallons underground in 1-6,000 gallon, 1-8,000 gllon, 1-10,000 gallon and 1-12,000 gallon tank, and one 275 gallon tank aboveground for waste oil. Mr. Geary said the facility is not sewered yet but will be, and they will be going to the Board of Appeals for a Special Permit for a Food Mart.
The spokesman for Mobil Oil explained the new laws about spills, and answered Mr. Ready's questions about how spills will be handled. Mr. Blomgren said he wants all their intentions sent in writing to the Town Manager.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the increase in storage contingent upon them tying into sewerage and getting the appropriate letters from the Fire Chief.

At 8:30 pm the Board held a **Public Hearing** on the application of **Elizabeth Anne's Victorian Tea Room at The Mill**, 73 Princeton Street, for a **Common Victualer's license.** Carolyn Walters and Anne Parkin are the owners, and Mrs. Walters said they have been in operation since September 9, 1989, not realizing that they needed this license. They are open Tuesday through Sunday from 12 noon - 5:00 pm, and can seat about 50 persons.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approe.

Attorney Joseph B. Shanahan, Jr. was present to ask the Board's approval of **Roslyn Shops of Chelmsford, Inc.** to **change the name of their restaurant from Bramble's to The Ground Round.** He told the Board that Roslyn Shps owns and operates Howard Johnson's Motor Lodge and Howard Johnson's Restaurant. The name of the restaurant was changed to Bramble's and now is being changed to The Ground Round. The ownership, management, floorplan and hours will remain the same - only the name and menu will change. The Ground Round is a subsidiary of the Marriott Corp. and Atty. Shanahan added that Mass. General Laws Chapter 140 has no mention of a name change.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

Atty. Shanahan then addressed the Board regarding a **change in the description of the premises under the Common Victualer's license held by Diary Queen, Tyngsboro Road.** He is representing the Panagakis family, who bought the business in 1985. Dairy Queen has been in operation on that site for mre thn 20 years. The building is now 1271 square feet and has ony been operating from March through October, but with the proposed 650 square foot

addition it will be a year round business, seating 36 people. They are planning to renovate and ugrade the kitchen and facade, and have spent over a year with Town Boards obtaining Special Permits and Site Plan approval. They will erect a new free-standing sign and all parking will be moved to the sides of the property. There will be 2 takeout windows on the front of the building for ice cream and sandwiches. The Site Plan shows 22 parking spaces, they will not apply for a Beer and Wine license at this time, and construction will start after Labor Day.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

A **Public Hearing** was held on the application of **Blimpie's** for a **Common Victualer's license at 83 Parkhurst Road.** Chris Clark, Courthouse Square Realty Trust, spoke for Dan Vivaris, franchisee, saying that he has been in the food business for a number of years. He said that Blimpie's is similar to Subway Subs, serving basically cold subs and microwaved food. They do bake bread on the premises, and will want to start a takeout business eventually. They are going into the bay where Popeye's used to be, and when they start the takeout business will open up a 40 foot window on the side. They will use the grease trap in the parking lot and a 50 pound trap under the building.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

Public Hearings were then held on street acceptances. DPW Director Jim Pearson showed plans of **Old Homestead Acres** and said that this is Phase 1 of the project, 3900 lineal feet on **Shedd Lane, Sears Lane, Moore Street and Thomas William Way.** Mr. Pearson said there are still a few cracks in the punch list but he is still recommending approval at this time. The Town plowed these streets last year for emergency access. There is a $16,500 bond held by the Planning Board, and if they are not accepted the Board will hold the bond for another year.
Richard Gray, 3Shedd Lane, said there are cracks in the road in front of his house and he is concerned about a water problem. Mr. Pearson said this can and will be corrected before the bond is released. Daniel Sullivan, 4 Shedd Lane, said that water is being drawn up through the street on a dry day, and Mr. Pearson said he finds no reason why this is happening, that it is not affecting the pavement and he has no problem with the developer with it. Mr. Sullivan stated that the only problem with not having it accepted would be the lack of steetlights. Mr. Emerson asked the residents if they want it accepted as is, or corrected? Mr. Sulivan said he wants it completely corrected. Mr. Pearson said he will still recommend acceptance, since it is as good as most streets in Town.
Atty. Shanahan said he represents the developer Ron Doyle, who is working on the punch list. The developer has not submitted these requests but the residents urged him to apply for acceptance. His bond is with the Planning Board but he would also be willing

to post a bond with the Selectmen. Mr. Emerson said the problem sounds relatively minor but should be fixed prior to acceptance. Mr. Shanahan said that because of the weather he can't promise it would be fixed in a week.
Motion by Mr. Ready to approve the acceptance of all the steets except Shedd Lane, and approve Shedd Lane contingent upon the developer posting a $16,000 bond with the Board. Motion was seconded by Mr. Emerson for discussion, saying the amount of the bond may be excessive. Mr. Pearson said that $5,000 would be adequate. Mr. Ready amended his motion, and the vote was unanimously in favor.

Under **Reports, Mr. Ready** said he has received many calls on the trash issue and he wants the Town Manager to respond to Tom Mills presentation. There is a store mark-up of 5% on the stickers, and some merchants would sell them with no mark-up in the public interest. Mr. Lynch said he sees no problem with merchants selling them at cost - $.95 - since we want the largest possible number of establishments participating. Mr. Ready added that the Town is not trying to be competetive, but is trying to give people the best deal, or the Town should get out of the trash business. Mr. Lynch said he is glad to see the price drop, that there are many small haulers out here trying to increase their business. We have moved numbers around to try to keep the cost down, but he feels it is essential to have a contingency and to base the cost on 8500 homes. He does agree with Mr. Mills that the cost of the tag should stay at app. $1.00. Mr. Ready asked about drafting new regulations and Mr. Lynch told him the Board of Health is doing this. Mr. Ready said he thinks the Board of Health is infringing on the Selectmen's domain.

Mr. Blomgren said that we are a week away from Annual Town Meeting and start the new trash program in a month, he feels that we are putting in too much bureaucracy, and that we are not ready to implement the new trash process and also not ready for ATM. We need at least another month to consider options.
Mr. Lynch said he is recommending that the budget be discussed at the ATM on June 18, not June 4, and that the BOS and the FinCom have had the budget for 5 months. There has been plenty of time for input and alternatives. We can't count on State money - it will be a windfall amount. If it comes it should be put towards capital improvements, which will keep down costs for FY92 -95. We have to have a budget in place by July 1st.
Mr. Blomgren said there is $1/2 million in the Stabilization Fund, and Mr. Lynch said he wants to keep it for emergencies.
Mr. Blomgren said we should sit down and make business decisions, and Mr. Lynch said it is not good business sense to imply that $1 million is sitting there - that money is for road materials and drainage and has been committed.
Mr. Ready and Mr. Emerson both said that we have to go with what we have now for July 1st, and can amend later if need be. We need to give the Town Manager a chance with his budget.

Mr. Blomgren then said he would like to have the CHS math team in to congratulate them on a job well done for beating a California team.
Mr. Blomgren reported that last August he had drafted a Creativity Program for employees and residents, and that with all the input we're geting today we need to give people a conduit for their ideas. Mr. Lynch asked for his material on this.
Mr. Blomgren moved that we send a letter to Sec'y DeVillars stating that the Town would like to participate in a Citizens Advisory Committee on Greystone Pond, but Mr. Ready said let's wait until we have met with Westford, and then send a letter. He added that the Traffic and Safety Committee has been looking at the impact on Chelmsford and has asked the DPW Director to hire a consultant.

Under **Town Manager Reports**, Mr. Lynch reported that a Resolution has been passed by the House calling for the State to give back $210 million to the cities and towns. Chelmsford could get up to $1.2 million, and he recommends putting it towards cutting capital expenditures.

Mr. Lynch reported that Frequency Sources will be asked to our next regular meeting and that Attorney James Geary has told him that seismic testing, gas testing and drilling are all taking place. Mr. Ready asked that we send a note to the School Dept., Byam School PTO and abutters telling them that they are coming to the meeting.

On his **Adopt A Park program**, Mr. Lynch passed out copies of the procedure, saying that he is trying to make it easy for regular people to help us.

He reported that the solid waste user fee will be $70.00 per year and $1.00 per tag, and $7 for bulk items (to cover the $59,000 cost).

Mr. Lynch reported that Lamplighter Green has completed their final Environmental Impact Review.

He reported that there are 4 articles for a requested Special Town Meeting on June 18th - Board of Health Trash Regulations, $130,000 for landfill cleanup and removal of debris placed on landfill, $45,000 also for landfill cleanup (engineering) and a most necessary article transferring $20,000 from liability to cover insurance.
Mr. Emerson asked why the landfill articles and Mr. Lynch said that thes are figures that the Board of Health came up with. There has been activity at that site that indicates that this figure may go down, testing is going on now and new costs are being derived. The Board of Health is being watched by the EPA.
Mr. Ready said to ask the Board of Health to come and talk before e call a STM, and asked Mr. Lynch to go to the FinCom and ask for a transfer for the insurance.

Under **Unfinished Business**, motion by Mr. Ready, seconded by Mr. Emerson, unan. to **name Sewer Commissioners as Special Municipal Employees.**

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve a 1-day Auctioneer's license for Deborah Swanson** on June 13th from 6 pm - 10 pm at The Mill provided that she hire a special police officer.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve the minutes of April 30 and May 14.**

Arthur Blomgren, 16 Oak Knoll Avenue, said he is retired on a small pension. The Board is spending millions, and not thinking of senior citizens and retirees. They're sick of the Board's spending, people have had it, and how can the budget go up $4 million in one year.

Mike Smith, 10 Braeburn Road, said he voted for both overrides, and feels that punitive measures have been taken. We should use this $1 - $2 million from the state to refund services, and then re-examine next year.
Mr. Ready explained that this is a one shot $1 - $2 million, if we get it, and Mr. Emerson explained that Town Meeting reps make the final vote on the budget.

At 10:35 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
1990 JUN 25 PM 3:34
JANE E. TILLOTSON
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, June 4, 1990 in Room 101 at McCarthy Middle School. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 6:45 p.m.

Susan Olsen, 140 Main Street, presented the Board with a letter signed by 82 Town residents asking that a Public Hearing be held in Chelmsford on the Greystone Pond project proposed for Westford. The letter requsted that the hearing be held prior to July 13, and include the BOS, developer and NMAC Director. Mrs. Olsen stated that the residents did not know much about the project or that they could respond to the Environmental Impact Review. Mr. Johnson said that Board members are going to Westford tomorrow night but agrees that we need the hearing, stating that they will get 90% of the taxes and we will get 90% of the traffic. Mr. Lynch said that he had spoken with Altid today, and suggested that the Chelmsford Committee meet on June 12, that we hold the Public Hearing on June 19, and that the NMAC regional hearing is on June 27.
Motion by Mr. Emerson, seconded by Mr. Ready, unan. to hold a Public Hearing on Greystone Pond at the Senior Center at 8:00 p.m. on June 19th.
Mr. Ready and Mr. Johnson will attend the Westford BOS meeting tomorrow.

Under Reports, Mr. Ready said that the initiative petition regarding 40% growth needs more signatures.

Cemetery Commissioner Dr. Everett Olsen said that he is glad that the Cemetery Department is not included in the Department of Public Works. He asked that line items in the Cemetery Dept. budget be assigned numbers. Regarding their Enterprise Fund, he is preparing a detailed report for the Department of Revenue but will meet with the Board before sending it in. He said the Commissioners feel that the self-supporting budget will work.

Under New Business, Mr. Blomgren said that the entrances and exits at Roberts Field get very congested at game time. Motion by Mr. Blomgren, seconded by Mr. Emerson, unan. to have the Highway Dept. mark one entrance and one exit.

Mr. Emerson asked for the status of the Veterans' Memorial Park and Mr. Lynch said that they are now looking at the land betwen the Police Station and McCarthy School as a potential site.

At 7:00 pm the Board met with the Library Trustees to appoint a replacement for Mark Gauthier, who has resigned as a Trustee. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to place the names of James Decker, Nancy Knight and Gayle Sobanek in

tnomination. Mr. Blomgren asked what criteria the Trustees are looking for, and Chairman Janet Hendl said they are looking for someone involved with and knowledgable of library acitvities. She added that Mr. Decker has been Treasurer of Friends of the Library for several years. The vote was as follows: Mr. Ready-Jim Decker; Mr. Johnson-Mr. Decker; Mr. Emerson-Jim Decker; Mr. Blomgren-Pass; Miss Towle-Mr. Decker; Mrs. Hendl-Mr. Decker; Mrs. McCarthy-Mr. Decker; Mrs. Lambert-Mrs. Knight; Mrs. Warner-Mr. Decker; Mrs. Cantin-Mr. Decker; Mrs. Warren-Mrs. Knight. Miss Towle said that Mr. Decker has the majority vote and is the new Trustee.

Under **New Business** Miss Towle said that she is still receiving the Sunday Independent and advertisements at her home and asked that the office call again to tell them to stop leaving it.

The Board then took a 6 minute recess.

Mr. Johnson reported that his wife and Sarah Warner had seen Domino's Pizza banners being held in the Center over the weekend and he asked if this was in violation of the sign by-law. Motion by Mr. Johnson, seconded by Mr. Ready, unan. to check with the Building Inspector and the Sign Avisory Committee to determine if they are legal. Mr. Ready said if they are legal, we should consider changing the by-laws to eliminate political signs also. Mr. Emerson said he feels there is a difference between profit organizations and political or civic groups.

A **Public Hearing** was then held on the application of Joseph Motzi, **Gourmet Express**, for permission to expand their premises under their Beer and Wine License to cover a **sidewalk cafe**. They opened the cafe two weeks ago but are not serving beer and wine out there. The landlord is doing a lot of landscaping around the fenced in area of the sidewalk, and they will be using it only during the good weather. Mr. Johnson said he has no problem with the cafe, that it enhances the area, and Mr. Ready agreed. Mr. Emerson said he thinks the weather will regulate hours, etc. Mr. Blomgren said he has a concern - he is afraid that all the other licensees will want to do the same, that the Board will be setting a precedent. It was noted that a couple of places serve outside now, and several others do not have the space to do so. Mr. Blomgren asked if the Board would consider approving it for one year and if it works, then consider others. Motion by Mr. Johnson, seconded by Mr. Ready, to approve for one year, subject to review by the Board.
Jocelyn Ciulla, 40 Billerica Road, asked if they will be putting crosswalks in on Chelmsford and Fletcher Streets. Mr. Ready told her that the State has approved the installation of signalization and crosswalks at that intersection. She said that there are no crosswalks on Fletcher Street, and Mr. Ready said they are waiting for the Sewer Dept. to repave and for signalization.

A Public Hearing was held on the application of Seafood Connections, Courthouse Square, for a Beer and Wine License. Attorney Joseph B. Shanahan, Jr. representing Goodman Associates, Inc., said that they have been in operation there for 2 years, that there are 20 seats in the restaurant and there will be no real change in the floorplan. They will serve draft beer only and wine from small bottles, and their patrons have been asking for this. They have no interest in an All Alcoholic license and never will. Mr. Ready said he thought the smallest seating capacity for this type of license is 40, and Mr. Shanahan said they could seat up to 45, but the floor space is well utilized now and they would never go over 28 - 30 seats. Mr. Johnson stated that he is not an abutter to the property, although he was on the Assessors list, and ws notified, and feels that Seafood Connections has a good track record. The hours of operation will be Monday through Sat. - 11 am - 11 pm. and Sunday 12 noon - 11 pm. Mr. Blomgren questioned their experience in serving alcohol, and Mr. Shanahan said that Dan Goodwin has 15 years experience in the bar and restaurant business.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to take this matter under advisement until the June 19th meeting.

At 7:30 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to ajourn to the Annual Town Meeting.

For the Board of Selectmen, by

Judith E. Costa

RECEIVED
90 JUL 26 AM 10:16

Regular meeting of the Board of Selectmen held Monday, June 18, 1990 at 6:45 p.m. in Room 101, McCarthy Middle School. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Motion by Mr. Ready, seconded by Mr. Johnson, to adjourn to Executive Session to disuss collective bargaining. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Miss-Towle-Aye.

Mr. Lynch told the Board that the Police contract has been settled and they have signed a Memorandum of Agreement for 3% increases each for the next 2 years. This will make all contracts end on June 30, 1992. He then went over details - increase clothing allowance by $50.00 per year (annual cost $2650); longevity paid weekly, not-semiannually ($15,000 per year); educational increase ($18,000 total). Mr. Emerson asked about an EMT incentive and Mr. Lynch told him this is only Fire, not Police. Mr. Emerson said he thinks it should go in both contracts. Mr. Lynch said that there is a $5.00 per week increase in the night shift, for a total of $700., personal days have gone to 3 from 2, a pregnant officer is allowed to go on administrative duty, allow one day off for expert score in police weapons (cost of $500.), for a total added cost of $115,000. Town meeting vote is required if funds are available, since the Board voted that Town Meeting would have to approve anything over 2 1/2%. Mr. Lynch added that reductions in staff and overtime essentially fund the cost of the contract, which is actually about 3%. The Police have been very cooperative in keeping the cost low, and two officers iwll be laid off and two leave through attrition. Mr. Johnson said that Mr. Lynch will have to explain to the Town Meeting body about numbers, layoffs, etc. Motion by Mr. Ready, seconded by Mr. Emerson, to support the contract. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Miss Towle-Aye. At 7:10 pm motion by Mr. Ready, seconded by Mr. Emerson, to o out of Executive Session. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Miss Towle-Aye.

Mr. Ready reported that he has had calls regarding the dam at Freeman Lake and asked that we send a letter to the Chief asking him to beef up patrols on weekends during the daylight hours particularly.

At 7:12 pm motion by Mr. Ready, seconded by Mr. Johnson, to return to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Miss Towle-Aye. Mark Gauthier, CH Board of Health and Richard Day, Public Health Director, were also present.

Mr. Gauthier explained that there is potential litigation on the Swain Road landfill, that Weston and Sampson had looked at the work Mr. Hicks did at the landfill several weekends ago, and that he did both good and bad. To repair and cap the landfill we have $200,000 from the 1988 ATM article, and need an additional $105-$110,000 more. $90,000 of this is due to the damages done by Hicks. Mr. Gauthier is ready to file suit with Special Counsel Cindy Amarra. Mr. Johnson asked if he had contacted Mr. Hicks, and Mr. Lynch said we have a meeting set up with Donahue and Donahue but it has not been held yet because we have just received the Weston and Sampson report on damages. Mr. Gauthier said that Mr. Hicks' attornies won't return calls and they have sent them certified letters. Mr. Johnson suggested that they tell Mr. Hicks to Cease and Desist, or we will issue no more building permits. Mr. Day said Mr. Hicks is looking at 4 - 5 lots off Garrison Road, but Mr. Johnson said he would rather go with a contiguous area, like Scotty Hollow. Mr. Gauthier said the legal fees could go as high as $35 - $40,000 and are not recoverable.

Motion by Mr. Johnson, seconded by Mr. Ready, that the Board tell the Board of Health to go ahead with all endeavors to set a meeting with Mr. Hicks' counsel. Mr. Day said that he got Conservation Commission's OK to start work but it was never inspected. Mr. Emerson amended Mr. Johnson's motion to incorporate the concerns of the Conservation Commission to avoid doublle litigation, seconded by Mr. Johnson. Mr. Day then said that we need a warrant article for an appropriation to complete the landfill before the season ends.

Motion by Mr. Johnson, seconded by Mr. Emerson, to ask the Board of Health to put together a warrant article with all their concerns. Roll Call vote on both motions was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; MissTowle-Aye.

At 7:28 pm the Board returned to Open Session.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to call a Special Town Meeting for Monday, July 23, 1990.

Mr. Johnson reported that he wants to commend Karen Vanderbunckle for puttiong together a team to build the planter in Vinal Square.

Mr. Blomgren asked the Town Celebrations Committee to stop vendors from selling "pressurized string" at the 4th of July Parade.

Mr. Blomgren asked that we ask Domino's Pizza and Tags Gun Shop what their philosophies of advertising are.

He announced that refreshments are being sold at Town Meeting by the CHS Class of 1991.

Mr. Blomgren said that residents of Bridge Street want a skim coat of tar on their street. The Sewer Commission will take care of this.

Mr. Blomgren then donated a maroon and white banner saying "Chelmsford Board of Selectmen" for the Board to use in parades.

Miss Towle reported that cars are parking on both sides of Albina and Carlisle Streets again and she wants the Boy Scouts to attend a future meeting.

At 7:35 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn to Annual Town Meeting.

For the Board of Selectmen, by

Judith E. Cote

RECEIVED
90 JUL 26 AM 10: 16

Regular meeting of the Board of Selectmen held Tuesday, June 19, 1990 at the Senior Center on Groton Road. Members present were: Miss Towle, Mr. Ready, Mr. Johnson and Mr. Emerson. Mr. Blomgren was away on business. Bernard Lynch, Town Manager, was also present.

Motion by DJR, second by BOE, unan. to approve the minutes of the meeting of June 4, 1990.

The Board then met with Aldo Marra of Rising Star, Inc., a newly formed non-profit organization baed in Chelmsford. He is here to request a site for a performing arts center for up to 1,000 children for all phases of entertainment, and would like into using the tennis courts at the High School. He added that this will be a unique fundraiser and won't be the financial responsibility of the Town. It will include all of New England, and he wants the Board to make the land available. Mr. Ready asked if the structure has been designed yet and Mr. Marra said that the Boston Architectural Center has offered to design it. Rising Stars will have the funds for $2 1/2 - $3 million. Mr. Marra will get 20% of that. He has met with Friends of Music and they need 1,000 seats and added that Chelmsford groups would have first option to use the facility.
Mr. Johnson said he has a numeber of concerns - the demographics of that site are not good, there are many better, and he would want Mr. Marra to have at least 50% of the funds raised before the Board commits anything, so we won't have a 50% finished building.
Mr. Emerson said he is a skeptic, that he shares Mr. Johnson's concerns and believes that a project of this magnitude is unrealistic. He also beieves that there is no overwhelming desire on the part of the Town to have this type of facility, and Mr. Marra said he welcomes his challenge. Mr. Emerson went on to say that he wants to see documentaton and can make no commitment for the Town at this time, and Miss Towle said she feels the whole Board feels this way. Mr. Johnson said that we embrace the concept but are skeptical, and we will commit the land when Rising Stars, Inc. commits the money.

At 8:05 p.m. Miss Towle welcomed the audience and Carol Cleven and turned the meeting over to Mr. Lynch. Mr. Lynch welcomed the audience to the Greystone Pond Project Public Hearing, stating that there is 4 1/2 million feet of office, conference, hotel and retail space planned over the next 20 years. He added that the Board has asked the Altid Team to make a presentation, that they have been meeting with Westford and our Advisory Committee during the last 18 months and are now going through the State's Environmental Review Process.

Attorney Rob Tuchmann, with Hale and Dorr, introduced the members of the team, including Altid, Suzaki Associates, Vanesse Hangen and Brustlin, and Bruce Campbell Associates.
Mr. Tuchermann said that Greystone Pond is a high quality vision with a mixed use setting with an office, research and development site, plus hotel, health club and retail stores. There is a 57 acre man made pond on the site, with land in 3 towns and open spaces. He showed plans for other office parks and plans for the septage system. They want to tie into the Chelmsford system and then go to Duck Island, and they would bring the line in from Vinal Square and through to the project. An allocation has been made for 200,000 gallons per day, and after 10 years they would build a 2 mil. capacity stand pipe. They would also extend Chelmsford's water line to the site.
Traffic has been studied and submitted in the E.I.R. to M.E.P.A. They have looked at 21 intersections in a 4-mile circle of the project. The background growth appears to be 5% each year for the first ten years and 4% for the second ten years. Their distribution analysis showed the widening of Route 40 and two alternatives, Tyngbsobro Road in Westford and direct access from Route 3. He added that this is a very conservative analysis, and the Altid team is very concerned about traffic.
Mr. Tuchmann outlined the regulatory process, stating that MEPA designated it as "major and complicated", and added that they have submitted proposed covenants to the Westford Planning Board and also giving protective covenants to be recorded.
Mr. Tuchmann outlined the community benefits as being: local developer, development located in one corner of community served by access roads, not to be built on spec, Westford to gain app. $10 million in taxes and Chelmsford app. $1 million, and infrastructure improvement with water and sewer lines. He added that they want Community input, and will have 7 Public Hearings. He then asked for questions.

Mr. Johnson said that from a demographic standpoint Route 3 is already congested and asked if they have a definite commitment from the State that it will be widened and that the interchange will be added. Mr. Tuchmann said the state has told them they are recommending a 3-lane expansion for 1996/97, and the developer is paying for the interchange.
Mr. Johnson added that the Town of Chelmsford is being very generous - we are providing a major section of the roadways and Westford is getting a major share of the taxes. Mr. Tuchmann said that Chelmsford's 27 acres will be built first as office buildings and that will give us revenue sooner.

Mr. Emerson said that he believes that the project will happen someday, and his primary concern is traffic. He doesn't think the project should break ground until the interchange is a reality.

Everett "Bill" Olsen, 140 Groton Road, spoke stating that the project will be as 4 times as large as the Burlington Mall, that the State DPW has said that the latest, 3-year old information has not been released, that we will see the gradual erosion of a neighborhood, since we are dealing with an outdated highway system and residences will be lost if Rte. 40 is widened, and property values will fall. He feels the project will permanently alter life in these 2 towns and asked Rep. Cleven and Sen. Hicks to ask Sec. DeVillars to come out to the site. He asked Altid for a list of projects similar in size.
Barbara Carye from Altid said that they will get a list of projects and that the project has been phase structured so they can check and not get in too deep too soon. Traffic engineer Steve Rose said that they did the traffic studies a year ago and thought they were up to date. Engineer Bill Roche said that they need to coordinate their efforts with the State DPW on Route 3 improvements.
Mr. Johnson said that the industrial vacancy rate in the Merrimack Valley is 25 - 28% and he would think that the Caryes would want to fill their vacancies on Rte. 129 before putting up more buildings. Altid said they would love to fill them, but the new buildings will not be on spec but built to order.
Rev. Harry Foster, 17 Princeton St., asked about the Rte. 3 expansion to 6 lanes, asked if they are assured of the North interchange on Ledge Road, and could they get to the development without using Groton Road. He was told that Route 3 will be expanded to 6 lanes, that they are not yet assured of the interchange on Ledge Road and that feeder roads could be used to get to the site.
Joyce Desmond, Sheila Avenue said that the traffic impact studies should be done in the winter. She also questioned the sewerage costs, and was told that Altid will run the line down Groton Road but that each homeowner will have to tie in themselves.
Barb Gabriel, Scotty Hollow, asked what will happen to Groton Raod before the interchange is built, and was told that Route 40 will be widened from the interchange into the park.
Sam Rosenthal, Scotty Hollow, said that he thinks they have underestimated traffic patterns. He feels that we will have more traffic on Town roads and the air quality will worsen, that $1 million in taxes will not cover the cost of added road repairs, that we will need more schools if there is more residential growth, and to look at the impact as citizens of the Town of Chelmsford, not property or condo owners.

Mr. Davis, Scotty Hollow, asked what kind of businesses they expect in Greystone, especially since the defense industry is drying up, and added that the Mass. D.P.W. hasn't yet repaired the damage that occurred in 1987. He also mentioned concerns about water pressure and trash disposal.

Susan Olsen, 140 Groton Road, asked what is planned for the 27 acres in Chelmsford, and asked if the Town has received a response from Secretary DeVillars about the Citizens Advisory Committee. Mr. Lynch said that we are sending him a list of names. She asked if the project requires a vote of any Town Board or Town Meeting, and was told that it will be voluntarily submitted to the Planning Board for their approval, and also to the Sewer and Water Departments.
Dave Laurin, Oak Hill Road, commented that Mr. Carye has bought the other three houses on Oak Hill Road as access to the 65 acres he owns behind it.
Susan Juhola, 37 First Street, asked all residents to get involved.
George Merrill, 108 Dunstable Road, asked if they will continue regardless of what the residents say and Mr. Tuchmann said yes. He also said that they do not plan to ask for any rezoning.
Whitey Morris, 163 Groton Road, asked the Board to complete the sidewalk on Groton Road before this prject starts.
Sharon Logan, Scotty Hollow, asked with the Route 3 interchange, what if they develop for 5 years and then stop - are we stuck with the traffic? Mr. Tuchmann said that they will not get approval unless the traffic is OK'd - they will have to add capacity as they add buildings.
Bob Mercaldi, Scotty Hollow, asked if they had considered using on site water and was told that they have some resource water but plan to replace Scotty Hollow's 6" line with a 12" line.
Jim McCarthy, Scotty Hollow, asked if there are any plans for public transportation to be excpanded to the site and was told that they are working with the LRTA and a transportation management organization.

Mr. Emerson then said that this informational meeting was called by the Board and the Board is not in a position to approve or reject the project but at least we know more about it. Motion by Mr. Emerson, seconded by Mr. Johnson, unan. that the Board of Selectmen recommend to the Westford and Chelmsford regulatory Boards that an interchange on Route 3 be a prerequisite to any development.

Chairman Towle read the names of the **Chelmsford Greystone Pond Committee**.

Mr. Ready asked those present if they are sending any letters to the State to please send a copy to the Town Manager.

Phil Grant, 147 Groton Road, said that Altid should disclose their tenants before the Environmentl Impact Statement is made, that we need to know about hazardous materials, etc.

Debra Kendrick, 18 Perham Street, described the review process as experienced by the neighbors of Summer Place.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to amend Mr. Emerson's motion to read "and until we have a guarantee in writing that Route 3 is going to be widened".

Bill Olsen then said that NMAC is holding a regional hearing on June 27 at the Center on Greystone and requested everyone present to attend.

Under **Board Reports**, Mr. Ready reported that a Special Town Meeting has been called for Monday, July 23, 1990.
He also asked that the Police Dept. be notified to increase patrols around the Freeman Lake dam, especially during the day on weekends.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to support the letter sent by Jeanne Kydd, CH, Bandstand Committee.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to support the Veterans' Memorial Park Committee using land between the Police Station and McCarthy Middle School for their park.

Under **Unfinished Business**, motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the Wine and Malt Beverages license for Seafood Connections.

Motion by Mr. Emerson, seconded by Mr. Ready, unan. to approve a 1-day All Alcoholic license for St. Vartanantz Church.

At 10:40 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith C. Cato

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90 AUG 21 PM 3:36
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, July 2, 1990. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Towle **called the meeting to order** at 7:30 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the minutes** of May 29th.

Chairman Towle presnted a **Certificate of Appreciation to Police Sergeant Leslie "Buddy" Adams,** retiring after 41 years of service. Mr. Blomgren thanked him on behalf of his service to the Town.

Walter Hedlund was present and thanked Sgt. Adams for standing in front of the viewing stand at the 4th of July Parade for 23 years. Mr. Hedlund then asked the Board's permission to close off streets for the parade, as usual. He said that they have over 20 floats and 8 marching units, and added that there will be a roadrace as usual at 9:30 am, sponsored by Sully's Ice Cream Stand. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to accept the plans as outlined by Mr. Hedlund and grant permission for items asked for.
Jim Gifford, Drum and Bugle Corps Chairman, asked members of the Board to come to the Stadium on the night of the 4th to welcome the drum and bugle corps competitors. Mr. Emerson thanked Mr. Hedulnd and his committee.

Under **Reports,** Mr. Ready asked to comment on a letter from a FinCom member to the Editor of the Chelmsford Newsweekly. He said that the FinCom is an advisory committee to the Town Manager, that the Town Manager presents his budget to the Town Meeting and the Board of Selectmen make policy. The Board voted to support the Manager's budget and cuts. The Board also voted to ask the voters to support an override, as did the FinCom. The override lost by only 2% of the vote. When the State gave back money, the Board put back some services, since they felt the voters wanted this. Mr. Emerson said that it was one of our better, more sensible Town Meetings.

A **Public Hearing** was held on the application of Verne LeTourneau, **Rare Finds** at The Mill, for a **Common Victualer license.** Mr. LeTourneu is running auctions and occasionally wants to serve hot dogs or frozen pizza to his customers. Mr. Emerson said businesses at The Mill need all the support they can get and that the auctions run from 7 - 11 pm. No one present spoke in favor of or oppopsition to the license. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

A **Public Hearing** was held on the application of **Szechuan Chef's Restaurant for a Common Victualer and Weekday and Sunday Entertainment licenses** for pre-recorded and maybe one instrument background music.
Attorney Jspeh B. Shanahan, Jr. introduced the principals in the business: Mr. Cheng, 107 Hunt Road, employed by DEC, will be the manager and president; Mr. Wong, Treasurer and a software manager for DEC; Christina Lee, Clerk and also employed by DEC, and Mr. Liu, who has a background in the operation of a Chinese Restaurant, and who is now working as Chef and Assistant Manager in a Szechuan Chef Restaurant in Manchester, NH. The facility is owned by Charles and Jeanne Parlee on the ground level at 6 - 8 Vinal Square, has 2900 square feet, a 15 seat waiting area and 75 seat dining room. The hours are from 11 am - 1 pm, and there is ample parking to the rear.
No one present spoke in favor of or opposition to the licenses.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to grant the Common Victualer license.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the Entertainment licenses, with the restrictions of no dancing and holding the background music to a single instrument (guitar or organ keyboard).

A **Public Hearing** was then held on the **application of Szechuan Chef's Restaurant for an All Alcoholic Common Victualer Restaurant license**. Attorney Shanahan said that notice had been served to all abutters. He asked the Board to consider the principals in this business and asked that their backgrounds be included in the minutes of the hearing.
Attorney Shanahan said he has indicated to the Board before that the novelty drink that is served customarily in an American Chinese Restaurant is an enhancement, and to open a formal restaurant without an alcololic license is a detriment. They are not proposing a sit down bar, only to serve drinks while waiting or dining.
The Board has raised the question of a "track record", and under Chapter 138, Section 15a of the Mass. General Laws by statute Selectmen are allowed to issue an alcoholic license without a "track record". He showed the Board the "track record" of 10 restaurants granted licenses in the '80's - 5 were granted the same night as the hearings, 2 were transfers and only 2 had to wait. He said that his clients are very intelligent, educated people and have good restaurant experience. He said that most of the other applicants had brought no prior experience, but the Board has never had a problem. He asked the Board to give them an oppotrunity. Mr. Ready said the record shows Bainbridge's at The Mill as being listed, and Mr. Shanahan said he chooses not to debate it. Mr. Shanahan added that Mr. Liu comes from a number

of restaurants with alcoholic licenses.

Mr. Johnson said that there are far fewer restaurants in North Chelmsford than in the Town as a whole. Having no bar service is favorable, but not closing until 1 am is not favorable and he questions if we are putting less than fair issue on these licenses. He thinks 1 am is too late.
Mr. **Emerson** said that the Board has painted itself into a corner by stating that it has a policy. He thinks we are not consistent and thinks the application is quite reasonable but how can we grant this license when we made the Mei Li Garden wait.
Mr. Johnson said that not all situations are the same, and Mr. Emerson said he bases each judgment on an invidividual basis.
Ms. Towle said that as a Board we never voted on a policy to say wait for 6 months - 1 year. Mr. Emerson then said let's establish once and for all - are we, from here on in, going to judge each application on merit? **Mr. Blomgren** said he felt we have had a practice of not voting on the first night a license is heard. Mr. Emerson said let's approve each application on an individual basis, and Board members all said they would take each on an individual case. The Board also agreed if a "99" went into Bob White's they would approve it. Mr. Blomgren said he understood we had a process of asking applicants to establish themselves in the Community.
Atorney Shanahan then said he thinks granting no license puts an undo hardship on a restaurant when they are trying to get started. He is bringing in people with good backgrounds, and told the Board not to allow their lack of familiarity with his clients to color their idea of letting them do business. Mr. Emerson said that he can tell the appalicant that any time in the first 6 months or year we will revoke the license if there is any discrepancy. Mr. Shanahan said his clients would go with an 11 am - 11 pm license if the Board wants. Mr. Johnson stated he has always said it was his practice not to vote without a track record. The Administrative Assistant will check the minutes of past meetings to see if the Board has actually set a policy.
Mr. Emerson moved, seconded by Mr. Ready, unan. that we postpone the vote on this license until the next meeting.
Mr. Ready said to the applicants that the Board is the licensing authority and it is up to the Board to weigh the features of each license and to serve the public.

The Board met with **Atorney James Geary** and officials from **Frequency Sources**, David Sweet and Paul Lamoureau. Mr. Sweet said that there is one property not yet tested, but it will be. He said that when they met with the Board in January they told them they wanted to test the Byam School for any soil contamination. The topography slopes away from the school and nothing detectable is on school property They have put two permanent wells on school property to monitor. They would like

to come back the first meeting after Labor Day when they have all the test results. They can't clean up the Bartelson property until they have permission from the owner. Mr. Ready asked why not assume the worse case scenario, and Mr. Sweet said they are hoping the lawyers will come to an agreement.

Ronald Wetmore was present representing the **Sewall Gardner Masonic Lodge**. The Lodge has expressed interest in buying the old **North Town Hall** to renovate as a meeting lodge. (Mr. Emerson sat in the audience on this meeting and did not vote). Mr. Wetmore asked the Board to include an article on the July 23rd Special Town Meeting warrant giving the Board permission to sell the property. Mr. Wetmore said that when the Masons made their first proposal they either wanted to buy or have a 99 year lease on the property. It was learned that under the law they can only have a 10 year lease so they want the Town to sell them the building, with a reverter clause. They will spend app. $100,000 over the next 10 years, and the Town would save at least $50,000 in inssurance, utilities, etc. if they would consider selling it to the Masons. Mr. Lynch said he has met with Mr. Wetmore and it doesn't make sense to lease the building. Under the Uniform Procurement Act that went into effect May 1st we will have to go out for bid but could have a reverter clause. Mr. Ready said that we could put an article on the STM warrant to sell the building with a reverter clause to be used by a civic, non-profit aency, etc. Mr. Johnson said that a reverter clause would make it more plausible, that we have had a public hearing and no abutters were opposed, and he would be in favor of putting the article on the warrant. Mr. Blomgren weants to see Special Counsel put a package together.
Motion by Mr. Ready, seconded by Mr. Johnson, to ask Town Counsel to word an article to place on the STM to sell the North Town Hall with a reverter clause, to be sold for religous, civic or fraternal use. Vote was 4 in favor, 1 abstention. (Mr. Emerson).

Sewer Commission Chairman Barry Balan asked that an **article be placed on the STM warrant** amending Art. 16 of the 1990 ATM. This article is requested based on the opinion of Town Counsel so that the Town will not have to hold a Special Election to exempt an appropriation from Prop. 2 1/2. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to place this article on the STM warrant.

Under **Reports, Mr. Ready** said he wants an article on the STM warrant to place an override question on the November ballot on the trash question, seconded by Miss Towle for discussion. Mr. Johnson said he understands Mr. Ready's thoughts. Mr. Emerson said it sounds like this is the Board saying we're not completely in favor of the trash program before it even started. Mr. Blomgren said he also agrees with Mr. Johnson and Mr. Emerson, and Miss Towle said she also tends to agree with the rest of the Board. Vote on the motion to place the article on the warrant was 3 opposed, 2 in favor (BAT and DJR).

Mr. Johnson reported that he attended the NMAC meeting re Greystone Pond in Tyngsboro last Wednesday and that Westford and Tyngsboro have the same concerns as we do regarding the project.

Mr. Johnson reported that we will be having two Grand Marshals in the July 4th Parade this year - Halvar Peterson and Buddy Adams.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to ask the Police Chief to let Sgt. Buddy Adams keep his old service revolver when he retires.

Mr. Blomgren asked that the Highway Dept. be asked to put pipes at either end of the newly constructed planter in Vinal Square to hold it through the winter.

Miss Towle commended Town Manager Lynch for the excellent job he did at the Annual Town Meeting.

Mr. Lynch summarized the assessment of Professional Services Contract and said he feels the system is working well and we should retain it.
He reported that we have advertised in the Beacon and the Boston Globe for the Town Accountant's position, since Ernest Day is retiring on August 8th.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to reappoint Mr. Day as Town Accountant, as recommended by the Town Manager.

Mr. Lynch said he has created the position of Finance Director, to be controlled by him and reporting to the Manager. Mr. Lynch said he is going to appoint Town Treasurer James Doukszewicz as Finance Director. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to support, based on the time frame and asking the Manager for an organizational chart of the Finance Department.

Mr. Lynch announced committee vacancies: 2 on the Cultural Council and 1 on the Holiday Decorating Committee. He said he will be posting a number of vacancies in a variety of positions.

Mr. Lynch said he wants to join Chief Hughes in commending Supt. Nystrom of Nashoba Tech in saving the Fire Dept. a great deal of money by refurbishing an old truck for them.

Mr. Lynch said there is a change in the '91 budget - Recreation Department is changing $6100 rom salaries to expenses.

Mr. Lynch announced that Beth Kinney of his office gave birth to a baby girl on Sunday, July 1st.

Motion by Mr. Ready, second by Mr. Emerson, unan. to inform the Secretry of State that the Town is purchasing OpTech voting machines for use in the November State elections.

Mr. Lynch said that since the Town Accountant is retiring August 8th, he is asking the Board to choose 2 Selectmen (BAT and HRJ), himself and the Finance Director to act as a Screening Committee.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to re-appoint the 4 members on the Rent Control Board - Susan Gates, Kathryn Brough, Susan Koeckhoven and Frances McDougall.

Under New Business, Mr. Emerson asked about the Greystone Pond Citizens Advisory Committee. Mr. Lynch said he is still receiving applications, will ask the Board to recommend on July 23rd and send a list to Secy. DeVillars.

Mr. Emerson said that regarding double telephone poles, there are about 50 that bothered him 6 months ago that are still bothering him. Mr. Lynch said he will send a letter to New England Telephone Company asking for a time frame for removal.

When asked by the press, Mr. Lynch said that the Finance Director will be paid $53,000 per annum, $5,000 over his present salary.

At 10:25 pm motion by Mr. Ready, seconded by Mr. Johnson, to adjourn to Executive Session for collective bargaining. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye. The Chairman announced that they will not be returning to Open Session and no announcements will be made.

For the Board of Selectmen, by

Judith E. Cook

Executive Session of the Board of Selectmen held Monday, July 2, 1990 at 10:30 p.m. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Judith Carter, Administrative Assistant, was also present. The purpose of the Session was to discuss a pay increase for the Town Manager.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to give him a $4,000 increase and pay the whole premium for his family plan medical insurance. Vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Nay; Ms. Towle-Aye.

Motion by Mr. Ready, seconded by Mr. Johnson, to waive the residency requirement for the Town Manager for one year. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

Mr. Lynch then joined the meeting.

Mr. Emerson said he wants to discuss two items with the Board of Health - he has heard that Mr. Lynch has differences with at least 2 people in the department over pay raises; they claim that he is holding up their raises. Mr. Lynch explained the Charter as it pertains to the Board of Health - that Atty. Thomas Horton has ruled that the Town Manager has authority over all Town employees except the School Dept. Mr. Emerson asked why and Mr. Lynch said he wants all employees to come under the evaluation process. Motion by Mr. Blomgren, seconded by Mr. Ready, to support the action of the Town Manager. Vote was 4 in favor, 1 opposed (Mr. Johnson).

Mr. Emerson then asked about re-arranging offices, and agreed that it would make sense to switch Accounting and Engineering. Mr. Lynch said he is constantly making changes to improve efficiency.

At 11:05 pm motion y Mr. Ready, seconded by Mr. Johnson, unan. to adjourn. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Monday, July 23, 1990 at 6:45 p.m. at McCarthy Middle School. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Miss Towle called the meeting to order at 6:45 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the meetings of June 18 and June 19, 1990.

The Board then met with representatives of New England Telephone and Mass. Electric Companies to act on pole petitions. On the matter of Shore Drive, which was heard on May 29th, George Gagan, NET Co., and the engineer from Mass. Electric explained that depressing utilities around Freeman Lake would increase the cost by more than 200% and explained the different procedures,as presented. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the plan of Shore Drive as presented.

Mr. Gagan presented a plan for one pole on North Road, near Claude Road. There is now a stub pole on the property at 190 North Road and the owner wants it removed and put in the public way on the West side. Kenneth Waters, 189 North Road, asked if there will be cables and guide wires and Mr. Gagan said No. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

A joint petition was then presented to relocate 5 poles on Hoyt Drive, all requested by property owners. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve as presented.

Mr. Gagan presented a petition for 153' of buried conduit on Clover Hill Drive, to serve additional utilities. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

New England Telephone Co. presented a petition to place 133' of underground conduit on Acton Road to serve additional facilities and said the work will be done before mid-September. Mr. Emerson asked if they will coordinate the paving, and Mr. Gagan said they will check with the Sewer Dept. Motion by Mr. Ready, seconded by M,r. Johnson, unan. to approve.
Mr. Emerson then asked again about double poles. Mr. Gagan said he will check with the project manager, and Mass. Electric said they are on top of the situation.

The Board then held a Public Hearing on the transfer of ownership and management of the Radisson Heritage Inn. Attorney John Carragher represented the petitioners, gave the background of the change in ownership and said that there are two buildings at 10 Independence Drive and 45 Alpine Lane. Emile Dumont conveyed the property to H. H. Limited Partnership to forestall a foreclosure. Lowell Institution for Savings is the principal holder. H H has

been completing the construction of the second building. Mr. Ready asked if Mr. Dumont conveyed the property in January why the ownership was not transferred sooner, and Mr. Carragher said that six banks trying to agree was the primary cause for the delay. Mr. Ready said he should have kept the Board informed, and Mr. Carragher said he had sent a letter to Mr. Lynch early on. He added that the partnership does not want to keep the hotel too long, only 6 months - one year. New Manager James Dina has a five year contract. Mr. Emerson commented that the management of the Heritage has been excellent in all respects. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the transfer of ownership pending receipt of favorable reports on the partnership from the Criminal History Systems Board.

At 7:05 pm the Board met with **David Cunha, owner of Country Club USA**, 63 Parkhurst Road. Mr. Cunha operates a **billiard parlor** at that address, and is applying for a **Weekday Entertainment License** for a jukebox. He now has background music. He is also asking for his hours to be extended until 12 am closing, since Pockets does not close until 12. He told the Board that he has donated his facility to the Recreation Commission for one morning a week during the month of August. Mr. Johnson asked if Mr. Cunha would be hurting his business by installing a jukebox and he said no, his customers have asked for it. Mr. Blomgren questioned the Town's liability by having the RecComm use the facility. His concerns are also that the top 40 is not really upscale music and that he has not been open long enough to request extended hours. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the Entertainment License but not the extended hours.

The Board then met with **Peter deCastro** regarding a **change of manager at Bainbridge's at The Mill.** Mr. Johnson said he will abstain, because he eats there a lot and his condo is abutting. Mr. deCastro told the Board that former manager Patrick Mullett is no longer with the company, and that he himself has been there since The Mill started.
Motion by Mr. Ready, seconded by Mr. Blomgren, to approve the change in manager. Vote was 4 in favor, 1 abstention (Mr. Johnson).

Attorney Joseph Shanahan was present regarding the **license for his clients Sea Food Connections.** A Beer & Wine license was approved by the Board but the ABCC has said we have our quota of 7 of this type of license. He would like to apply for an All Alcoholic Common Victualer license, limited to Beer and Wine. He knows that this would require another Public Hearing, and he ony wants a consensus of the Board with regard to the concept of this

type of license. Board members said they were in favor, and Miss Towle said that we should pay for the advertising and certified mail for another hearing. Mr. Blomgren asked that the office compile an up to date list of who is holding what type of license, the quota and what is available.

At 7:35 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. that the Board adjourn until after the Special Town Meeting.

For the Board of Selectmen, by
Judith E. Towle

Adjourned meeting of the Board of Selectmen held at 11:15 p.m. Monday, July 23, 1990. All members were present, as was Town Manager Lynch.

Under **Board Reports, Mr. Ready** reported that the Route 27 entering Chelmsford sign is missing and needs replacement. Mr. Blomgren said that the Route 4 sign has not yet been replaced.

Mr. Johnson expressed his congratulations to all responsible parties for another excellent 4th of July celebration. Mr. Johnson also expressed his belief that the Board meeting should not have been recessed as only one party had to wait over three hours for action on their item.

Board reports were held until the end of the evening.

Under **Unfinished Business the Szechuan Chef Restaurant All Alcoholic License was discussed.**

Mr. Ready made motion to deny the license on the gounds that public need was not shown, seconded by Mr. Blomgren for discussion.

Mr. Johnson said that since the last meeting he had received phone calls expressing concern about issuing the license without a suitable track record. He believed this was reasonable - that he did not want to deny but that a 3 - 6 month probationary period would be reasonable. He suggested that the applicants might withdraw, establish a track record and then re-apply. He also cited increased sensitivity to alcohol related issues and the fact that the restaurant contstruction was begun significantly before the application was filed.

Mr. Emerson said he was planning to vote for the license and that he had visited the site and was satisfied with the plans and progress. He believed a liquor track record could only be established with a liquor license. He also cited the fact that

North Chelmsford had always had several restaurants included within Vinal Square.

Mr. Blomgren said that he had reveiwed previous licenses and that policy practice or procedure was to have applicants establish track records. He wanted to remain consistent. He also noted lack of support on the part of the BOS and encouraged withdrawal by the applicants.

Attorney Shanahan spoke on behalf of his client Szechuan Chef, expressing concern that new information was being presented outside of the Public Hearing and stating that no input had occurred at the Public Hearing, which had been closed. Specifically, addressing Mr. Johnson and input received outside of the Public Hearing and the propriety of such contact. Mr. Shanahan asked Mr. Johnson who the input was received from so that his clients would know who and what grounds any detractors might have in opposing the issuance of the license that was not brought out at the Public Hearing. Mr. Johnson responded stating that the Reverend Harry Foster of 17 Princeton Street had contacted him and written a letter to the Board of Selectmen with concerns about the record of the applicant and suggested issuance of only a Beer and Wine license at this time. Mr. Johnson disputed a Beer and Wine license as this too could be unwise without a track record. Mr. Johnson also raised the issue of more concern today about alcohol, citing insurance costs and vehicular offences related to liquor. Mr. Johnson stated his desire for a comfort factor suggesting that the applicant come back for a license but not now, adding that he would welcome a later application.

Attorney Shanahan asked what other invidiuals had contacted Mr. Johnson. Mr. Johnson stated that the Reverend Foster was the only one but that he spoke of the concerns of several parishoners.

Mr. Shanahan epressed his client's desire to have the Board vote to deny rather than withdraw so that legal action could be undertaken.

Miss Towle spoke of her knowledge of more liquor awareness now but she agrees with Mr. Emerson that a track record only comes with experience made possile through the granting of a license.

Mr. Blomgren spoke of present policy procedure as used by the Board over the past several years as now unreasonable citing consistency as evidenced by Mei Li Garden and Gourmet Express. Mr. Blomgren is concerned about the experience from other applicants who cite apparent inconsistency. Mr. Blomgren requested Town Manager advice on handling of liquor licenses and proper policy.

Mr. Emerson objected to policy, citing state law dictating operations and the restrictive nature of policies in handling special cases.

Mr. Johnson promised open doors if they re-applied.

Attorney Shanahan stated that Mr. Johnson had previously advocated the license and indicated support quoting that a 99 Restaurant would almost automatically be granted a license. Mr. Shanahan stated that Mr. Johnson had flip-flopped and would only vote for a Chinese 99. Mr. Shanahan also stated that he had provided a list to the Board of licenses where a track record was not used as criteria. He stated that Mr. Ready had said at the Public Hearing that his support for licenses for some was based on whether they were friends and known by Mr. Ready. Mr. Ready rebuffed Mr. Shanahan, stating he never said he voted affirmatively for friends.

Mr. Johnson stated his belief that a member of the Board must weigh neighborhood concerns in deciding issues. He said despite the lack of population growth substantially more liquor licenses had been issued in the past 15 years than before. As a Selectman Mr. Johnson is concerned about doing his duty.

Mr. Blomgren is concerned about the Town's exposure regarding the practice of seeking a track record. He reminded the Board and Town Manager that he has requested some legal advice regarding exposure. He still sought such advice and made a motion of personal priviledge to **hold this matter unitl August 20th** and requested legal opinion and recommended policies. Motion seconded by Mr. Ready, unanimous, to accept Mr. Blomgren's personal priviledge.

Under **Reports**, Mr. **Blomgren** requested that he and the Town Manager meet and discuss the graduate student report on Representative Town Meeting.
Mr. **Blomgren** requested that the Town Manager report on the LRTA and its value to the community.
Mr. **Blomgren** requested amplification and a tack strip in the Selectmen's Meeting Room.
Mr. **Blomgren** requested traffic pattern signs at Roberts Field.
Mr. **Blomgren** requested a source and use of funds analysis for the sewer project.
Mr. **Blomgren** requested that Drum Hill Exxon Station apply for the transfer of their fuel storage license.
Mr. **Blomgren** requested that the Board of Health, Hamel Disposal and other trash haulers be invited to the meeting on August 20th to discuss the Board of Health regulations as promulgated.

Mr. Ready also asked that the Board of Health Rules and Regulations be scheduled as an agenda item for August 20th.

Mr,. Blomgren is concerned about the use of the Senior Center by political candidates, citing the Issues Forum by Congressman Atkins. Motion by Mr. Blomgren, seconded by Mr. Johnson, that the Board adopt the policy whereby the use of the Senior Center for politicial candidates is restricted. The Congressman could use the Library, Old Town Hall or Town Offices Building for business. Vote on policy was 4 in favor, 1 opposed (Mr. Ready).

Under **New Business** Mr. **Emerson** expressed concern regarding the inclusion of the Town Accountant within the Finance Department as established by the Town Manager pursuant to the last meeting. Mr. Emerson cited the need for checks and balances. Mr. Blomgren expressed the desire for the Town Accountant's autonomy and independence. Mr. Johnson stated trust for current Town Manager but he has concerns for future cases. Mr. Lynch indicated that the the Town Accountant acts more as comptroller than auditor but he understands the Board's concerns and would delete Accountant from the Finance Department organization but stressed the need for the Town Accountant to generate financial management reports and cooperate with the Town Manager and Finance Director.

Mr. Ready questioned who does and would conduct the Accountant's employee performance evaluation, as the Board does not currently provide evaluation and doesn't have up to date knowledge of job performance. Motion by Mr. Emerson, seconded by Mr. Johnson, to have the Board of Selectmen conduct the evaluation. Vote was 4 in favor, 1 opposed (Mr. Ready).

At 12:25 a.m. motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn the meeting.

For the Board of Selectmen, by

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Regular Meeting of the Board of Selectmen held Monday, August 20, 1990. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Thomas Mills was present during the Open Session, as a resident and not as a member of the Solid Waste Advisory Committee. He presented a report on Trash/Recycling Summary Results for the past year.

At 7:15 pm Chairman Towle called the meeting to order.

Attorney Joseph B. Shanahan, Jr. representing Chelmsford Little League, was present, requesting that Little League be allowed to develop a Big League Field in the Route 110 complex. He said that Little League has made several improvements over the past years, that the present fields are well equipped and lighted and they want to develop the Big League field because the 3 fields on Chelmsford Street are all regular Litle League fields. The Town needs fields for 13 - 15 and 16 - 18 year olds, who have been playing at Varney Field but are no longer allowed to do so. They want to develop the big field on the Town Field behind the Town Offices, they have done preliminary surveys and it will fit this field. Little League has grown from 800 to 1100 over the past 4 years, is self-sufficient and no longer funded by the Town. The budget to put in this big field will run $60,000 for field work, $10,000 for a sprinkler system, $10,000 - $15,000 to light the field, and they need a long term commitment from the Town. They are asking the Board for 2 things: 1. to meet to formulate a long term commitment, and 2. to schedule a management scenario. Little League has had no formal commitment from the Town, only informal agreements. They have made significant capital improvements to the area, and want a fundamental written agreement for insurance purpose, etc. Litle League has met with the Recreation Commission re soccer programs. Mr. Ready asked if Little League wants the field because of the central location, or because it's available? Mr. Shanahan said they like the central location, that this is important to parents with more than one child, and also that they can use the Town Offices parking area after office hours.
Board members told him that they had more or less committed most of this site to the Library a year ago, and Mr. Shanahan said they do not want to get into a conflict with the Library but suggested that there may be other sites in town that would be suitable for them. Mr. Shanahan showed a plan of what they propose to do and Mr. Blomgren sugested that he come back to the Board with a formal proposal. Mr. Ready said that we have plans with the State regarding signals at Fletcher and Chelmsford Streets and would encourage them putting parking at the Chelmsford Street end. Mr. Lynch said that the Office of Transporation and Construction is reviewing applications by Little League to remove the railroad tracks. Mr. Johnson moved, seconded by Mr. Ready, unan. to ask the Libraray Trustees to the next meeting to discuss their plans, since the fiscal condition of the community is much changed.

Town Manager Lynch then disussed the **Town's finances.** He explained the serious nature of the problem, stating that there is bad news re local aid, that the legislatue has reneged and won't level fund local aid. We have lost $600,000 in local aid and the Town ended the year with $300,000 less in Free Cash due to unpaid property taxes. We are still owed $2.1 mil by Ray Carye, the Mill complex and other large taxpayers. The project decrease is what he had projected, and the size of the shortfall for FY91 is $1.6 mil. He has whittled the budget to $950,00 - $1 mil; we can borrow for some capital improvements and put almost $400,000 towards the shortfall; we can take $200,000 from the Health Insurance Trust Fund, since we have ended with a surplus the past 2 years.

Mr. Johnson asked what we are doing about getting the $2 mil tax money in and Mr. Lynch said we have a good track record in doing this. Raymond Carye is challenging his assessments and we usually carry $300 - $400,000 in outlay for abatements and challenges to assessments.

Mr. Emerson asked who would revise the budget and Mr. Lynch said the Town Meeting will by $300 - $400,000. He will cut the remaining $1 mil, to be approved by Town Meeting. The School Dept. is in a mess with school starting within 2 weeks. He is asking them to cut $50% of the shortfall, and asking Dept. Heads to cut by 4.8%. Mr. Emerson suggested asking the School Dept. to cut by 30%, not 50.

Mr. Lynch said he is asking for input from Dept. Heads and Board members and citizens on how to cut their department budgets. He said he will report on cuts at the Sept. 10th meeting; Dept. Heads have been instructed not to do any extra spending. We have to certify a balanced budget to the Dept. of Revenue but don't have to set the tax rate until November.

Mr. Lynch said we have $557,000 in Sewer betterments, which could be used for: 1. operating budgets; 2. extend the sewer project; 3. reduce the tax rate; or 4. reduce sewer debt and interest, all of which ultimately has to be decided by Town Meeting. Mr. Lynch said he may ask for a full meeting in the future just to discuss the budget.

At 8:20 pm a **Public Hearing** was held on the **application of Seafood Connections Restaurant** for an **Alcoholic license.** Attorney Joseph Shanahan represented **Daniel Goodwin and John Mantville.** He said that a Beer and Wine license was granted to them in June, but when it went to the ABCC the Town was informed that there are no beer and wine licenses available - we have used our quota of seven. At a meeting with the Board on July 23rd he had asked if the Board would rant an All Acoholic license restricted to beer and win. He has submitted a new application which the Board has renewed. No one presnt spoke in favor of or opposition to the license.

Motion by Mr. Ready, seconded by Mr. Johnson, unan., to suspend the Board's usual rules and vote on the application tonight, based on the fact that Mr. Shanahan did speak with the Board on July 23 and the fact that the Board has already heard the application. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve an All Alcoholic license, limited to Beer and Wine, to Seafood Connections.

The Board then met with **Traffic and Safety Committee Chairman Bill Logan**, members Sam Poulten and Patrick Daley, and Board members on the Committee Dennis Ready and Brad Emerson. Mr. Logan said that at their June meeting his Committee voted upon the recommendations of NMAC not to place signs at North and Dalton Roads, nor at North and Parkhurst Roads. Both side roads are heavily travelled but North Road has a higher rate of speed. The Committee feels we could have more accidents with a 4-way Stop sign. Mr. Ready said that when they looked at improvements in the Center they looked at each leg of the intersection. The other leg is Hunt Road at Littleton Road. The Traffic and Safety Committee wants to allow residents to get out onto Route 4, but Stop signs are not the answer. Mr. Logan added that ony signalization will solve the problem. Mr. Ready added that we can't apply to the State for lights until we have forwarded a design but we have no funds for that. Mr. Ready said the Committee's budget has gone from $100,000 to $5,000. Mr. Blomgren wondered if some engineers in Town would study and design interchanges on a volunteer basis.
Mr. Logan said the Traffic and Safety Committee has voted to restrict parking in the Center from the Afternoon Delight shop to the Corner from 4 pm - 6 pm. They would like to implement this after Labor Day, on a trial basis from September 15 - November 15, and will report back to the Board after the trial period. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

A meeting was scheduled with the Board of Health and trash haulers to discuss the new Rules and Regulations. Present were Mark Gauthier, Richard Day and Jack Emerson from the Board of Health, and Barbara Scavezze, Chairman of the Solid Waste Advisory Committee. Ms. Towle said that the Board wants to discuss the domestic trash hauler regulations.
Mr. Ready said it is his perception that the rules and regulations are so restrictive that they infringe on free enterprise. Mr. Gauthier said that the Board requires that a hauler be licensed and insured, their trucks properly registered and licensed to dispose of trash at a licensed landfill. The Board doesn't feel that these are unusual or unreasonable regulations, but we haven't heard from any residential hauler directly. He said that 14 haulers are now licensed for dumpsters and none have applied to be residential haulers. BFI and Patriot are doing private hauling.
Mr. Ready asked what is the difference between residential and business hauling. Richard Day said that back in the early 1980's

we established regulations for business haulers. BFI is covered under their contract with the Town. In June we quickly established residential hauler regulations. The difference between the two is that the dumpster haulers do not have to show documentation of insurance and bonding. The Town Manager's office created these regulations and the Board of Health agreed to them.
Mr. Emerson asked why Hamel stopped hauling and said he understood that they claimed the insurance and bonds were prohibitive and caused them to get out of the business. Mr. Day said that most of these regulations were created by the Town of Oxford, and he has asked their contractors if they are reasonable regulations and they said yes, that there is no problem.

Mr. Lynch said the Town has never heard directly that the regulations were excessive. Mr. Day added that we had a very short time frame and didn't have time for a Town Meeting by-law. We therefore took different components and under Chapter lll promulgated these regulations.
Mr. Emerson asked if the Board of Health received any formal complaints on the regulations and Mr. Day said no. Mr. Ready asked besides the qualifications they listed, what other restrictions do they have, and Mr. Day said they require a list of customers and routes.
The Board expressed irritation that none of the invited haulers were present, and Mr. Emerson said the issue has become a non-issue. Mr. Jack Emerson said that Mr. Blomgren's questions should be at a Public Hearing called by the Board of Health, and Mr. Gauthier said the Board will hold a hearing for any resident or hauler who requests one.

Mr. Blomgren asked Mr. Day about the Vinal Square parking lot and Mr. Day said it is being taken care of. Mr. Lynch said he spoke with Mr. Hicks Friday and contacted our attorney but didn't talk to her. Mr. Hicks was to get back to him today. Mr. Day said the Board of Health is proceeding with change orders to complete the work. Mr. Blomgren asked for a copy of Oxford's regulations.

Frank Barre, Executive Director of the Boy Scouts, was present to give an update on the progress of constructing a new building on the **East School** site. He said they have been told that it is not feasible at this time to try to raise that kind of money and the United Way has cut way back in the Scout's operating budgets. The Board of Directors has put raising funds for the new building on Hold, and they are doing minor renovations - painting, etc. There is no time frame for a new building right now.
Ms. Towle said that we continue to have parking problems on both sides on Albina and Carlisle Streets, and Mr. Barre said he had thought this problem occurred only in winter and he will look into it. She also hopes another paint job can be done. Mr Emerson said he thinks they need a long term approach to maintenance, and Mr. Barre said they do have a Building Committe who will look into more maintenance. Ms. Towle asked that they come back in 6 months with an update.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of July 2 and July 23rd.

Under Reports Mr. Ready asked about our letter to the State relative to bridges and Mr. Lynch said he will send another letter.
Mr. Ready said that entering Chelmsford south from Westford the sign is gone.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to ask the Town Manager to research the door-to-door sales by-law, and ask other Towns what they do. Mr. Lynch said that the Police Chief has reviewed the by-law and sent him suggestions on how to tighten it up.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to ask the Board and the School Committee to purchase recycled paper whenever possible. This is a BOS POLICY.

Mr. Johnson reported that there is a meeting tomorrow with Ms. Towle, the Town Manager, the Finance Director and himself to go ove the 60 applications for Town Accountant.

Mr. Lynch reported that there is a vacancy on the Personnel Board due to the resignation of Jacqueline Hall.

He reported that the Lamplighter Green final Environmental Impact Report has been approved by the Secretary of Environmental Affairs but the Town is still opposing the project.

He reported that the trash tonnage for July was down 33%, which should increase recycling. He will provide more updates.

The Recreation Commission has had a very successful summer with its self-supporting programs.

Mr. Lynch reported that the Sewer bills have gone out and we should see some revenue soon. Mr. Jack Emerson added that they hope to have the paving done a soon as possible and Mr. Lynch has the schedule.

Motion by Mr. Johnson, seconded by Mr. Ready, unan. to re-appoint Richard Burtt to the Board of Registrars.

Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to take the Szechuan Chef license off his Personal Hold.
Motion by Mr. Blomgren to approve the application for an All Alcohlolic license as submitted, seconded by Mr. Emerson for discussion. The hours will be 11 am - 11 pm, with no bar and no advertising of alcohol on the exterior of the building. The motion to approve the license passed on a 3 to 2 vote, Mr. Johnson and Mr. Ready opposed.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to adopt the same policy as Lowell in allowing package stores to be open on Sundays between 12 noon and 11 pm. We will send stickers amending the hours to put on the licenses of all licensed package

stores.

Under New Business, Mr. Emerson said that there has been a mountain of trash being built by Lowell over the past 40 years at their landfill, and it is a hazard and a nuisance to Chelmsford residents.
Motion by Mr. Emerson to send a letter to the City of Lowell and the state Department of Environmental Protection objecting to the continued operation of the landfill. Mr. Ready said he does not want to send a copy to the State until we give the Lowell City Manager a chance to respond. Mr. Blomgren said that some work is being done, and he would like to defer the matter until Sept. 10th, when he hopes we will have a report. Mr. Johnson commented that Lowell is no happier than Chelmsford is with their landfill. Mr. Emerson said he thinks it is time it came to a head, and not wait another 3 years for a meeting. Mr. Lynch suggested that the letter be sent to the Mayor, not the Manager, and added that Lowell has several problems, including sludge, etc.
Mr. Ready said he will second the motion to send the letter to the Mayor, with a copy to DEP, unan.
Mr. Blomgren asked that we invite some principals from Lowell to a future meeting.
He asked about the Greystone project and Mr. Lynch said that the E.I.R. has been approved by Secretary DeVillars and we are waiting to hear from him.

Ms. Towle stepped down from the chair and moved that the Board rescind their earlier policy and vote on liquor licenses the night they are heard. There was no second, motion failed. Mr. Emerson referred to several liquor licenses that are now gone, and stated that we have fewer barrooms in Town than 15 years ago.

At 9:45 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cantu

Regular meeting of the Board of Selectmen held Monday, September 10, 1990. Members present were: Mr. Ready, Mr. Johnson and Mr. Emerson. Mr. Blomgren joined the meeting at 8:00 p.m. Miss Towle was out of Town on business. Town Manager Bernard Lynch was also present.

During the Open Session Judy Mallette, School Committee, and Maggie O'Donnell, Northview Avenue resident, were present to discuss the Gage Town Forest in Westford on the Northview Ave. side of Baptist Pond. The Westford Selectmen have designated this area for hunting, and the Chelmsford neighbors are concerned because they have to go through the forest to reach their homes. Mr. Ready read a letter from Ms. Mallette and the School Committee to the Board asking the BOS to join the School Committee in asking the Westford BOS to not vote to designate this land for hunting. The Westford Board is voting tomorrow so we need expedient action. Ms. O'Donnell said she went to the Westford Board when they were forming their Hunting Action Committee and gave input to them but has never been notified of their meetings. She is going to the Westford meeting tomorrow night and wants a letter from our Board stating that we do not want hunting allowed on this property.
Mr. Ready said he had researched our by-law passed in 1979 stating that a person needs written persmission from the Board to hunt on Chelmsford land and we have never granted permission.

Sgt. Ray McCusker was present as Coach with members of the Chelmsford 10 year old Tournament Team. They have won the Chelmsford Tournament and the District 14 Championship. Coach McCusker introduced the players and presented a plaque to the Town. The Board will prepare Certificates of Appreciation for the boys.

At 7:30 pm Vice Chairman Ready called the meeting to order, stating that Miss Towle is away on business and Mr. Blomgren is attending the Board of Health meeting.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to proclaim the Knights of Columbus Handicapped Days. The proclamation was accepted by Peter Manesco.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to proclaim Local Cable Programming Week in Lowell, accepted by Don Ratte of Lowell Cable TV.

Motion by Mr.Johnson, seconded by Mr. Emerson, unan. that the Board write to the Westford BOS stating that we are not in favor of allowing hunting at the intersection of Old Lowell Road and Northview Avenue and send a copy of our by-law to corroborate.

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Elizabeth Kelley, **New England Telephone**, was present with two petitions: 1. joint petition on **Riverneck Road** to allow better access to the curve that is being straightened. Mr. Emerson brought up the subject of double poles, stating that poles around Central and Vinal Squares are still there, and he has a problem granting pole and cable petitions while these double poles are still standing. Motion by Mr. Emerson to deny this petition and also the one on Richardson Road.
Bill McDade, Mass. Electric Co., was present to address the Board on the subject of **double poles**, and stated that Mr. Emerson is not harrassiing the elctric company, that as a Board they govern the utility companies. In March, 1990 there were 230 double poles, and to date 200 has been transferred. This has been a continuing problem with new construction, etc. and they are working their own crews and 2 independent contractors. He added that double poles are an unsightly problem, and asked the Board to bring unsightly or unsafe problems to their attention immediately, since it is the responsibility of them and New England Telephone to clean up any double poles. He suggesteed that they grant the 2 petitions requested since this is more an inconvenience to the customers than the utility companies. In this case the customer is the Town. Mr. Johnson said we should deny the permits for one week and he should come back next week and tell the Board of the progress that has been made. Mr. Emerson added that their list is accurate, they should work from that and caome back next week. He moved, seconded by Mr. Johnson unan. to table petitions on Riverneck and Richardson Road for one week.

Robert Coltman, 14 Westview Avenue, was present representing **Baptist Pond residents** who want to stop fast motor boats on the Pond since they interfere with canoeing, sailing and fishing and are unsafe for swimmers. There is also a question on protecting the environment and noise control. They are asking to limit non-resident boats to no more than 30 hp motors, limit the speed to trolling speed (5 mph), at least 100 feet offshore for cruising speed, and no jet skis. He presented petitions signed by most homeowners on the pond. Mr. Johnson commented that Freeman Lake allows no motor boats, only canoes, and this is a Town Meeting by-law that was passed on May 12, 1977, and in 1978 snowmobiles were also banned. Motion by Mr. Emerson, seconded by Mr. Johnson, unan. that we appoint a commitee to come with an article for the ATM Warrant in the spring. Mr. Coltman and Lillian Stott were recommended to be on the committee. Mr. Ready said that we nned the article by the first Monday in January and asked the press to publicize openings on the committee.

Mr. Ready reported that a woman on Rogers Road called and said that the recycling trucks are dropping materials on the road. He asked the Town Manager to call Vining Disposal and ask them to be

more careful.
He also reported that there are complaints from workers on Rte. 129 that the signals at Mill Road and Rte. 129 are not synchronized properly and thee is a long wait at 2 sets of lights. He asked the Town Manager to contact the State to synchronize the lights.

Mr. Lynch reported on the status of Lamplighter Green, stating that there are 4 steps in the process: 1. The final EIR has been approved by the Secretary of Environmental Affairs, although they want to see recreational facilites. The Town's first priority is to oppose the project. 2. the Conservation Commission has not issued an Order of Conditions and DEP will issue a superceding order. 3. The developer does not yet have funding and there has been no state money specifically set aside for Lamplighter Green; 4. There is a pending legal matter - the Comprehensive Permit is going through a period of appeal with the Courts and the Town has appealed. Mr. Johnson said with the fiscal restraints we don't want to spend too much on an appeal. He is tired of seeing the State tell us what to do until they get their act together.

At 8:00 pm a **Public Hearing** was held on the application of **D & S Deli Mart**, 313 Littleton Road, Garrison Place for a **Common Victualer's license.** David Atkinson will be running the Mart for Albert Bernardi and they will be serving lunch at the convenience store. There will be no seating and no floor plan is ready yet. The hours requested are 6 am - 10 pm. Mr. Atkinson previously owned the White Hen Pantry on Wood and Princeton Streets in Lowell. No one present spoke in favor of or opposition to this license. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve.

Mr. Blomgren joined the meeting at 8:05 p.m.

Under **reports, Mr. Lynch** said he will have a formal presentation on the budget next Monday. Department Heads are making cuts, having been asked to cut by 4.7%, and it is very difficult for some departments to make any more cuts. The School Dept. has been asked to cut by $.5 mil. FY92 looks bad, with a shortfall of 1-1.5 mil. After the current cuts are made the budgets for FY92 will have to be cut by 5.7%, which will involve layoffs. Mr. Ready said he doesn't like an across the board cut of 4.7%, and Mr. Lynch said he has opposed this type of cut in the past, but now with the short timespan he has to do this. Mr. Lynch added that a large part of the shortfall is caused by certain unpaid taxes, which may be a temporary condition, and does the Board feel that when that money is paid should it be saved for next year? We can go back to the Department of Revenue to rectify Free Cash when taxes are paid, and he would prefer to keep these unpaid taxes to use in FY92 when they are paid. Mr. Blomgren made his own recommendations and asked that we put everything back on the table for reconsideration.
Mr. Lynch said he will have the Town Meeting Warrant for review and approval at the next meeting.

Mr. Lynch reported that the library is having a number of problems and there is a possibility of decertification if we do not spend a certain amount of money.

He reported that the Board has voted for truck exclusion on Golden Cove Road and Stedman Street, and he asked the Board to again vote, since it has been approved by the state for Golden Cove Road. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve.

James Dina, General Manager of the **Radisson Heritage Hotel**, was present and told the Board he has applied for a small video arcade license, to put **five video games in the pool area.** Mr. Johnson said we have a moratorium on video games, especially around convenience stores, and if we grant one to him we will have to grant to everyone else who applies. The report from the Building Inspector said the games can only be used by hotel guests unless they go to the Board of Appeals for a variance. Mr. Dina said that the pool area is only accessible to guests, and Mr. Johnson commented that both the Regency and the Hilton have small arcades.
Motion by Mr. Emerson, seconded by Mr. Johnson, unan. to **grant the issuing of the Automatic Amusement license, restricted to hotel guests only.**

James Pearson, Town Engineer and DPW Director, was present requesting the **acceptance of Natalie Road as a Public Way.** He said that this is a street in a residential subdivision, app. 2300 feet long and approved by the Planning Board in July, 1987. The plan is complete and all documents presented recommend acceptance. The Planning Board had a problem with this at their last meeting but it has been resolved and he will recommend that the bond be reduced from $25K to $5K, pending a positive vote at ATM.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan, to place this acceptance on the warrant for the October session of the ATM.

Under **Unfinished Business, Mr. Ready** said they have just resurfaced the Center and that the lines behind the Library have been awkward and he wants to paint 2 lanes, then 3, and put the second split in the 3rd lane. Mr. Pearson said this will be done and added that all the lines in the Center will be painted with thermo-plastic.

The **Library Trustees then met with the Board.** Chairman Janet Hendl said that the Library still has building plans and has established a **Site Committee and Endowment Committee.** If they have to buy land they won't have enough money for a building and they need long term support from the Board. Mr. Ready asked how long term and Ms. Hendl said by the year 2000, and she hates to

see a Town Dept. pitted against Little League but she sees a viable site for a new library slipping away. Mr. Johnson said once they have the building money the Board will find a suitable site, but we can't really tie up a site now. We have many sites with 10 year leases. Ms. Hendl said they want to sit with the Board now and find a viable site. Mr. Johnson said we would do that if they can tell us how they plan to raise the $4 million. Mr. Emerson said a logical site in the Center would be Bartlett Park, although the Land Trust wants to keep it the way it is now. Mr. Ready said he wants to reasssure the Trustees that the Board is aware of their problem and we could let Little League put in a Senior Field and still have enough land for a library. Mr. Johnson commented that Drum Hill is a major commercial area and there are several large sites in that area. He added that if we tie up land we have to be sure it won't be considered by another group. Mr. Blomgren said we should take the sites we have and plan what we want the Town to look like in 20 - 30 years; we have no municipal plan and need a goal to shoot for. Mr. Emerson commented that we do have a long range planning committee - Blueprint 2000, and the Library is scheduled to meet with them. Mr. Lynch said that this committee will have a complete report by February - March. Betty McCarthy, Chairman of the Endowment Committee, said we need a site as a vision to help raise money. They will raise as much as they can but not the whole $4 mil. Mr. Ready said we will have the Blueprint 2000 Committee try to come up with a possible site.

Mary Mahoney, Library Director, then addressed the Board, stating that the **Library will be decertified** because we're not meeting minimum standards. This means we won't receive any state funds and can't apply for any state or federal funds or grants and may be cut from the Merrimack Valley Consortium. We need about $75,000 more to avoid decertification. Most cities and towns are meeting state standards.
Mr. Ready said that the Town Manager should be able to move funds, and Mr. Blomgren said we should ask the Town Manager to bring back recommendations. Mr. Emerson said that realtisically we would love to give them the money but what will we give up. Mr. Blomgren moved, seconded by Mr. Johnson, unan. to write to our state senator and rep. and ask them for some legislative action to help libraries.

Town Finance Director Jim Doukszewicz was present and said there are two approaches to solve decertification: 1. over the past 3 years we have met the 2 1/2% average and the state should make their law like income averaging; and 2. we have expended funds for capital expenditures and we could put that money into the library budget. Mr. Lynch agreed that this would be a good talking point with the legislature, and also the fact that we spend more per capita than most communities.

Mr. Johnson said that regarding the budget cuts, that when we do away with one entire unit of a department, like the Drug Unit in the Police Dept. he has a problem. He hopes that Town Meeting and the Chief can work it out so we won't lose that important unit.
He said he thought we should write a letter to the Westford BOS regarding Ray Carye not paying his taxes, but he now understands that we will be paid on Sept. 12 so we don't need to send a letter.

Mr. Blomgren said that if we want to celebrate Halloween on Sunday, Oct. 28 we should ask the School Dept. to consider opening the schools on Sunday and ask the Auxiliary Police to provide janitorial service. Ms. Mallette and Mary Frantz will take this idea back to the School Committee.

He then brought up the use of the Senior Center for political events - the Board had voted to not allow this, and Mr. Lynch allowed Congressman Atkins to use it, stating that this was a Forum, not a political event. He asked what is the role of the Town Manager in going against a vote of the Board.
Mr. Johnson said that there were extenuating circumstances, that they couldn't notify people in time of a change in location, and this was the only meeting of this type held there. Mr. Lynch said this did not constitute a political event - that he, Ms. Cleven and Ms. Hicks meet with their constituents throughout the year in Town buildings. Mr. Emerson said he is also opposed, but extenuating circumstances make a difference. Mr. Blomgren cited lack of a rescinding vote, and what good is a policy if we go against it. He asked Mr. Lynch to draft a policy of what we can use the Senior Center for.
Mr. Blomgren asked if regarding snowplowing we made a policy not to plow churches or businesses.
He reported that at the Board of Health Public Hearing on Trash Rules and Regulations, he had a copy of the Town of Oxford's rules, which ours were patterned after, and found major differences. He stated that a small hauler would have difficulty meeting our regulations, and the Board of Health will take a hard look at our regulations.
He asked what is our policy for publicly displaying tax delinquencies, and Jim Doukszewicz said that we run a legal ad in the newspapers and after 14 days put liens against properties, which have to stay for 6 months, and then we can petition the Land Court for foreclosure.
Mr. Blomgren said we should look again at the vote on the Radisson Automatic Amusement license if their taxes are delinquen, and moved to amend the vote on the license to include 'contingent upon payment of taxes'.

Mr. Emerson said before we issue Class I, II and III Auto Dealer's licenses and also Common Victualer licenses, we ask the Building Inspector and the Treasurer if: 1. taxes have been paid; 2. if the zoning is in compliance and 3. if any variances on the property are being adhered to.

Mr. Ready asked the Police Dept. to increase patrols in the area of Parker Road, which people are using more to avoid Acton Road and its construction.

Mr. Blomgren asked that we invite the Board of Health to come in on Katrina Road to talk about the 12 Hazardous Waste sites in Town, and also to check with JapEnameLac to see if they have a new procedure.

Mr. Lynch said that under the State Procurement Law we need to appoint a Chief Procurement Officer, and he is appointing himself as Town Manager. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to appoint Town Manager Lynch as Chief Procurement Officer.

At 9:35 p.m. motion by Mr. Johnson, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cantu

Regular Meeting of the Board of Selectmen held Monday, September 17, 1990 at 7:30 p.m. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During **Open Session Wayne Richardson**, 270 Litleton Road, presented petitions signed by residents of the Mobile Home Park which he wanted Mr. Lynch to present to Town Counsel. He turned the petitions over to Chairman Towle.

Chairman Towle called the meeting to order at 7:25 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **proclaim Women of Today Week** September 23 - September 29, 1990.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **proclaim September 17, 1990 as Italian Exchange Day.** High School teacher Mr. Angostino read the names of the visiting Italian Exchange students and Mr. Marra's family, and Mr. Marra accepted Certificates for each student and then gave a silver seal of his Town of Cagliari, Italy to the Board.

At 7:30 pm **Town Manager Lynch** presented his **Budget Revisions** to the Board and referred to a handout in their books. He said that 3 weeks ago he told the Board of our financial crisis, that we had a budget shortfall of $1.6 mil and gave methods of whittling it down. Capital improvements and Health Trust funds funded $.6 mil, and $1 mil still to cut was split 50-50 between the Town and the School Dept. The School Dept. basically has completed their cuts, and on the Town side he has asked Dept. Heads to cut by 4.7%. He read over the cuts decided on and said that they will be presented for approval at the October ATM, and added that next year we will have to less than level fund the budgets.

Mr. Ready said he is glad that it wasn't a flat 4.7% across the Board, and asked if laying off 3 patrolmen eliminates the Drug Squad? Mr. Lynch said he has asked the Chief to go from 3 to 2 members. Mr. Ready said he wants to see the leaf pickup either paid for or eliminated. He noted that Road Work was budgeted for $300 - $400,000 and suggested cutting down on that and keeping on the 3 patrolmen.
Mr. Johnson said that he agrees with Mr. Ready about the Drug Unit. He asked if the Dept. Heads made the original cuts and when Mr. Lynch said Yes, he said it seems the job has been done. Mr. Emerson said he wants to commend Mr. Lynch for the job he has done, that he has showed us less pain than he had expected. Mr. Blomgren said that last week he had given Mr. Lynch some suggestions, such as a 1/3 reduction in the BOS stipend. Mr. Lynch added that there will be some savings realized in the future, such as the Assessors starting to do In-house revals with a part-time Assessor. He added that the roads in town are only

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in fair condition and that the sewer construction work has helped the main roads. Mr. Ready asked about the status of the Chapter 90 money and Mr. Lynch said some has been used on Routes 129 and 27. The new commitment for next year is $213,000. He said that Safety Officer Daley is doing a major report on how to save on streetlights. The Park Supt. is retiring early and will be replaced by a 2/3-time person. Mr. Blomgren had asked about getting out of the LRTA and Mr. Lynch said this would require legislative action. He added that recycling may be based on a fee next year, and that leaf collection costs $15,000.
Motion by Mr. Ready, seconded for discussion by Mr. Johnson, to ask the Trash Committee to make recommendations on whether to continue with free curbside leaf pickup. Barb Scavezze, CH Solid Waste Advisory Committee, said that Laughton's has $15,000 invested in leaf bags and he needs a program to get rid of the bags. Mr. Emerson said that Mr. Ready's motion is reasonable, and the vote was unanimously in favor.

Mr. Lymch said that there are 19 articles on the **ATM Warrant**, with Art. 2 being budget cuts. Mr. Ready asked about the sign by-law and Mr. Lynch said it didn't get to the Planning Board in time for a Public Hearing.
Motion by Mr Ready, seconded by Mr. Johnson, unan,. to put these 19 articles on the ATM Warrant.

On the matter oof **double poles**, Joseph Santos, New England Telephone, said that in January there were 400 double poles, and now app. 44, which is a manageable number. There are 8500 poles in Town and 44 is only 1/2 %. The double poles on Chelmsford Street are to be removed Wednesday. Mr. Emerson said we have seen significant progress since last week and he commends them for getting the number of poles down to app. 40. Mr. Ready commented that he has noticed several double poles on High Street and Westford Street. Mr. Ready moved to withdraw the 2 petitions from the table. Miss Towle said that the Richardson Road petition has been withdrawn. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the Riverneck Road petition.**

David Cunha, Country Club USA, Parkhurst Road, was present to request the Board to **extend the hours** of operation of his billiard parlor. He would like to open at 9 am and close at 12 midnight. He has been open since July but his hours of actual play are limited, and he wants to be on the same level as the other facilities in the area - Pockets, Good Times, etc. Mr. Emerson moved to extend his hours like Pockets. Mr. Blomgren said he is concerned about Mr. Cunha's newspaper ads - that Cafe sounds like liquor is being served, and he has also heard charges of reverse discrimination. Mr. Cunha said he is limiting women playing free to 2 nights per week. Mr. Ready moved to extend the hours from 9 am to 12 midnight for both Country Club USA and Pockets. It was pointed out that Pockets has not applied for this extension and Mr. Johnson asked to put the matter on a **Personal Hold.**

Miss Towle left the meeting at 8:45 p.m.

The architects for the **Alpine Lane Improvements** were present, as well as representatives of the Radisson Hotel, who is funding the improvements. Mr. Lynch said they want to install islands and a cul-de-sac at the end, and Richard Eng, owner of the Hong & Kong, approves of the improvements.
Steve Fletcher, Beacon Hotel Company, said that management felt the approach to the hotel down Alpine Lane was deterimental, and at the request of the banks they employed the architects. Mr. Fletcher showed drawings, conceptual graphics, indicating a more organized traffic flow. Mr. Johnson said he is concerned that the trees shown are too full and will block sight, and Mr. Fletcher said that the trees will be above the normal sight line when planted. He added that the Parlmont Plaza buildings will be updated. Police and Fire Depts. concur with the safety aspects. Mr. Emerson asked again about the Hong & Kong and Mr. Fletcher said he and the architects have met twice with Mr. Eng and he is pleased, since the plan creates a traffic circle at the end of Alpine Lane and the cul-de-sac is on Town property. Mr. Blomgren asked if the hotel's taxes are current and Mr. Fletcher said they will be by the end of the week. Mr. Fletcher said they need conceptual approval from the Board. Sewer Comm. Chairman Barry Balan was present and asked how close they are coming to the sewer easement that is there, and Mr. Fletcher said they will tie the rest of the facility into the Town sewer system by the end of the week. Mr. Balan asked that they coordinate with Jim Casparro.
Motion by Mr. Johnson that we send a letter to the appropriate Boards and Committees stating that the BOS approves of the conceptual improvements and apprise them of the sewer easements and betterments along Alpine Lane. Mr. Blomgren said he will support only when the taxes have been paid. Mr. Ready said he would require the Town Engineer to give his approval of the construction, and the Board would have to approve working in a public way. Mr. Johnson told Mr. Fletcher that they don't have to come back to the Board if the Town Engineer sends us a letter of approval of the final design. Vote on the motion was 3 in favor. Mr. Emerson abstained for reasons that he might appear to be in conflict.

Mr. Johnson reported that the **sub-committee on the Town Accountant's position** - Mr. Lynch, Mr. Doukszewicz, Miss Towle and himself, received 60 resumes and have interviewed 6 applicatns. They want the Board to **interview their 3 finalists,** Mary Villare, Lorraine Leone and Bernard Meyer, on October 2nd. They will be 45 minute interviews, starting at 7:00 p.m.

Mr. Blomgren asked about the Cedar House letter complaining about the line of sight and Mr. Lynch said they have been apprised that the line of sight and zoning are proper.
Mr. Blomgren said that the property at the corner of Mill and Turnpike Roads, owned by Martin Delmore, is in disrepair and he should be sent a letter.
Mr. Blomgren said that with the budget cuts and their implications, if the CLT petition passes, what direction will we take. Mr. Lynch said that the studies being done by the candidates for Governor say they won't take it out on the cities and towns and the impact on Chelmsford would be $1 - $2 million.

Under **Unfinished Business**, Mr. Emerson said that regarding the **Lowell Landfill**, the letter we sent to Lowell did no good - we have had no response. He gave a history of the problems with the landfill and said that pollution is the real problem.
Motion by Mr. Emerson, seconded by Mr. Johnson, unan. that the Town of Chelmsford, through our Town Counsel, request the Attorney General and/or the District Attorney to undertake a complete investigation of possible illegal negligence or cover-up of current information, and act in relation thereto. We will let Town Counsel decide how to proceed.

Mr. Ready said on the **budget revision**, the Board needs to vote the hours of the April election.
Motion by Mr. Blomgren, seconded by Mr. Johnson, to request the Town Manager to take $2500 from BOS salaries and put same into the Elections account to keep the voting hours for the Annual Town Election from 8 am - 8 pm. Mr. Ready asked to table the motion until our next meeting since the Chairman is not present and she had voiced an opinion on this subject.

Mr. Arthur Blomgren, sitting in the audience, asked about the streetlights on Riverneck Road, stating that the light near Pine Ridge Cemetery do not illuminate much. Mr. Lynch said that these lights should be changed to sodium vapor. On the matter of the leaf pick-up he asked why people can't burn leaves instead, and Mr. Ready explained the law to him. Mr. Jhnson explained the "Genteleman's Agreement" we have with Charles Laughton - that he needs to sell the $15,00 worth of bags that he purchased for the Town last year.

At 9:30 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, October 1, 1990 at 6:00 p.m. at the McCarthy Middle School. Members present were: Miss Towle, Mr. Ready, Mr. Johnson and Mr. Emerson. Mr. Blomgren joined the meeting at 6:30 p.m. Bernard Lynch, Town Manager, was also present.

Miss Towle called the meeting to order at 6:00 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of August 20, Sept. 10 and Sept. 17.

Police Chief Raymond McKeon and Deputy Chief James Greska were present to discuss their budget cuts. They passed out a memo indicating the cutting of 3 officers and the Dog Officer. The Chief said they want to use their overtime account to keep on the 3 officers and if they need more money they will have to consider laying off the Dog Officer, rather than another Police Officer. He explained the duties of the Deputy Chiefs of Operation and Administration. He added that the Board had said the Department Heads should recommend the cuts in their department, but it hasn't worked that way with him.

Mr. Ready asked if he has to lay off the Dog Officer, would the Police Dept. take over his duties, and the Chief said no, they would only investigate barking dogs, and they would not be able to pick up loose dogs.

Chief McKeon said he feels he has a handle on his organization and definitely wants to replace Deputy Fitts to continue with the two deputy system. He stated that one official - a Selectman - had told him he has a well-oiled machine. He said that in his 10 years as chief the organization has improved considerably, and that Tweksbury and Haverhill each have two deputies, while other Towns have more brass - captains and lieutenants. He stated that Consultant Chuck Hale said he should have 3 more people on his staff and should keep the structure as he has it now, and that both Mr. Hale and Consultant Sheehan in the 70's said he needs the 2 deputies.

Mr. Johnson said he feels the department head (Chief) should make the cuts, with the blessing of the Town Manager, and that Chelmsford's Police Department is one of the finest in the State. The Town Manager has the responsibility of looking at the oeverall good for the community in making cuts, and Mr. Emerson said that the Town is proud of the Police Department, that they have a great record of solving crimes. He feels that the Chief should call the shots on what has to be cut.

Mr. Ready said that the budget to be discussed tonight at Town Meeting does not involve the Deputy position, and warned that if the CLT question passes the Town will take a cut of at least $1.5

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mil. If it doesn't pass, finances might begin to even out in a couple of years. Deputy Chief Greska said they don't expect a decision on a deputy position tonight, and quoted the Sheehan report where he recommended 2 deputies - one for operations and one for administration.

Mr. Lynch said that there has been a dispute between the Chief and himself on this position, and pointed out that in 1978, the date of the Sheehan report, the Town had much more money than now and that we didn't have captains then. He also reminded the Chief that various studies have shown that we need a Personnel Director, DPW Superintendent and other positions. When we have the money we can fund these positions, including a second deputy, but if not, creative people find a way to circumvent. He said he had asked the Chief to work out some type of reorganization plan - maybe we need another captain or sergeant. If there is money they should stay with the system, but if not, their organization needs less administration.

Mr. Johnson commended Dr. Moser and the School Dept. for their cuts - they didn't take away any first-line defense (teachers). He feels the Police Dept.'s first-line defense is its patrolmen, and the Chief commented that the first-line defense is only as good as its backbone (Administration). Mr. Ready stated that the Town Manager and Chief have agreed on these present cuts and he is sure that if we need cuts in the future and on the deputy position they will both come to agreement.

Mr. Blomgren joined the meeting at 6:30 p.m.

Chief McKeon said he would like to try someone as Acting Deputy, with the same rank and pay they are getting now. Mr. Emerson said he thought that would have happened by now, and the Chief said that by using overtime he can keep the Drug Squad in place but if he moves a superior officer into the deputy position he will have to replace him.

Under **Reports Mr. Johnson** moved to send a letter to the Chelmsford Garden Club, President Mrs. Lynn LeMaire, thanking them for doing such a good job at the Town Offices this past season, seconded by Mr. Ready, unan.

Under **Town Manager Reports** Mr. Lynch reported that on the budget there has been some shifting of funds - he and the DPW Director have decided not to replace Mike Crory, former Highway Supt. His responsibilities will be shared by Jim Pearson and the lead foreman, with Pearl Koulas handling the administrative duties. He has told Chief McKeon that he will give him that saved $15,000. In the School Dept. they have reduced the hours of Teacher Aides so that many are no longer eligible for health insurance, saving $10,000 which he will give to the School Dept.

Under **Unfinished Business**, Barbara Scavezze gave the **Solid Waste Advisory Committee's recommendation on leaf collection.** She handed out a memo, stating that the SWAC is recommending keeping leaf collection this year and that Charlie Laughton has made a long-term commitment to composting and the Town, and the SWAC feels strongly that the Town should buy his remaining leaf bags at the end of the season. He currently has $15,000 worth on hand. They are recommending November 3 and December 1 for curbside pickup and November 17 as a drop-off date.
Mr. Ready said he would favor drop-off over curbside pickup in the future.
Motion by Mr. Johnson, seconded by Mr. Ready, that the SWAC come back to the Board in January or February so they can collectively make a decision on leaves for next year, wuth no more re-ordering of supplies until after that meeting.

The **hours of operation for Country Club USA** were approved for 9 am - 12 midnight.

Hours for the April Town Election were then discussed. The Town Manager recommended opening from 10 am - 8 pm.
Motion by Mr. Ready, seconded by Mr. Emerson, to set the hours from 10 am - 8 pm. Mr. Blomgren said that at the last meeting he had moved to have the Board take a 1/3 reduction in their salary stipend, app. $2,000 total, to keep the polls open from 8 am to 8 pm. Mr. Johnson said if we agree to a $300 per year adjustment in our stipend that would be $1500 and we could find the other $500, and we could keep the polls open for the extra 2 hours and not take a cut in salary. Miss Towle commented that no one else has been asked to take a cut in salary, and if we do, we will never get it back in the future.
Motion by Mr. Johnson, seconded by Mr. Ready, uann. that the **Board relinquish their $300 mileage compensation per year.**
Mr. Emerson suggested that they do both - eliminate the mileage and keep the polls closed for the extra 2 hours, but other Board members did not agree. Mr. Blomgren commented that the salary would have been more visible. Mr. Lynch said he will present the $1500 as a reduction in the Selectmen's budget.

Under **New Business**, Mr. Johnson said that we as a Board should take a leadership position on the CLT petition. At first he thought it was a good idea, but now feels it is not a good piece of legislation. It gives too much control to government and takes money away from those who can't help themselves. He said the business community is against it and he feels the Board shuld urge "Vote No on Question 3 - It Goes Too Far". Miss Towle said she agrees.

Mr. Blomgren said he is opposed, that we had asked the Town Manager for the consequences if CLT pases and shuld follow his recommendation. Mr. Lynch said that the Dept. of Revenue is estimating that Chelmsford will be cut by $1.5 mil starting January 1st, which means the School and the Town side will each have to cut by another $3/4 mil.

Mr. Lynch gave an update on the accident at Frequency Sources, saying that the report indicates that it was handled well by all involved.

Miss Towle asked about the "Travel At Your Own Risk" signs on Riverneck Road and Mr. Lynch said that those are there only until the telephone poles are moved.

At 7:10 p.m. motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn to attend Annual Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

Special Meeting of the Board of Selectmen held Tuesday, October 9, 1990 for the purpose of appointing a new Town Accountant. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgen. Town Manager Lynch and Finance Director Doukszewicz were also present.

Chairman Towle called the meeting to order at 6:00 p.m.

Motion by Mr. Ready to place all three names presented by the Screening Committee for Town Accountant in nomination: Mary Villare, Lorraine Leone and Bernard Meyler. Motion was seconded by Mr. Johnson, unanimous.

Miss Towle asked for votes. Mr. Ready - Leone; Mr. Johnson - Meyler; Mr. Emerson - Meyler; Mr. Blomgren - Leone and Miss Towle - Leone.

Motion made by Mr. Blomgren for reconsideration to make the vote unanimous, seconded by Mr. Johnson. Mr. Emerson objected citing the lack of need. No action was taken.

Miss Towle asked the Town Manager to contact the other candidates as soon as possible.

Mr. Ready raised the issue of compensation. He made a motion to offer Grade 3, Step 1, seconded by Mr. Johnson. Vote was unanimously in favor.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn the meeting.

For the ~~Board of~~ Selectmen, by

Regular meeting of the Board of Selectmen was held Monday, October 15 1990, at 6:45 p.m. at McCarthy Middle School. Members present were: Ms. Towle, Mr. Emerson, Mr. Ready and Mr. Johnson. Town Manager Bernard Lynch was also present. Mr. Blomgren was absent.

Mr. Gagan of New England Telephone was present with a pole petition for Chelmsford and Fletcher Streets to lay and maintain underground conduits and manholes, with the wires and cables to be place therein. Mr. Ready made a motion to approve the petition, 2nd Ms Towle, unanimous.

Mr. Emerson asked Mr. Gagan why the removal of double poles has collapsed. Mr. Emerson asked about Westford Street, Mr. Ready inquired about High Street. Mr. Gagan said he will report back to the BOS in the next day or two.

DPW Director Jim Pearson presented the Board with a written report on snow and ice removal. Mr. Pearson stated he has reviewed the use of salt on town roads at the Boards request when they voted in favor of prohibiting salt as a de-icing chemical. Mr. Pearson said that in the past some main roads, steep slopes and trouble spots have received heavy applications of salt. He states that going without any salt would result in; frozen sand stockpiles, damage to plow blades, broken chains in the sanders, increase in accidents, ruts in the roads, etc. Therefore he proposes that we attempt to reduce salt use rather than eliminate it. On the main roads he would try a mix that is 50% of the prior straight salt used. In addition he is pricing the installation of liquid calcium chloride applicators on 2-3 of the sanders. Though more expensive than salt, calcium chloride is an effective de-icing chemical without using sodium which is a health concern when considering drinking water quality. Mr. Pearson reported that there is an increase in snow and ice costs with reduced salt because; sanding routes will take longer, workers will be called out more frequently, and two separate sand/salt stockpiles must be maintained. Mr. Emerson said the plows don't get out soon enough on main roads. Mr. Pearson said the streets will be done in a rational order similar to the bus routes, red routes first, etc. Mr. Ready made a motion to support the DPW Director's policy, 2nd by Mr. Johnson, unanimous.

DJR made a motion to approve a one day Beer and Wine License for a Harvest Social for St. Mary's Women's Club October 26, 1990. HRJ 2nd, unanimous.

HRJ made a motion that the Board go on record to oppose the CLT petition. DJR seconded, unamious.

DJR made a motion that the Board support Question 5 on the November 6, ballot that would guarantee 40% of state receipts would be returned to the cities and towns in the form of local aid. BOE 2nd, unamious.

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HRJ asked if the BOS should take a stand on the "buffer zone" article on tonights Town Meeting warrant. After a brief discussion the Board agreed to keep an open mind and listen to both side.

BFL reported that Carlisle turned down the grant for the cranberry bog reimbursement. BOE said he would like the cranberry bog subcommittee invited to a future BOS meeting.

Town Manager, B. Lynch announced the Baptist Pond Committee; Amelia Byam, Debbie Beaubien, Robert Lawlor, Norman Benson, Ralph Landry, Robert Coltman, and Lillian Stott. They will report to the BOS in the middle of December.

Mr. Lynch reported that HRJ will be on the Greystone Pond Citizens Advisory Committee, Susan Olsen will be the alternate.

Mr. Lynch informed the Board that Chief McKeon has reworked his numbers and it appears that the department will have to make 2 - 3 layoffs. He will meet with the union and Chief McKeon.

Mr. Lynch reported he is working with Town Counsel and Bond Counsel and will keep the Board informed about the legality of the posting period for Town Meeting.

Selectman Ready suggested a Hazardous Waste Advisory Committee. Mr. Ready feels this committee should be separate from the Trash Advisory Committee. Mr. Johnson said the appointments should be in conjunction with the Board of Health. Mr. Ready made a motion to form the committee, with the BOH, 2nd by BOE, unanimous.

BOE asked BFL to make the correspondence public from the City of Lowell regarding the Landfill issue.

Mr. Johnson made a motion that the next meeting of the BOS be held Tuesday October 30, 1990 instead of the 29th because of a Rotary function. 2nd by BOE, unamious.

There being no further business the Chairman adjourned the meeting at 7:25 p.m.

Respectfully submitted

Marian Currier

Marian Currier

Special meeting of the Board of Selectmen held Monday, October 29, 1990 at 7:45 p.m. Purpose of the meeting was the annual Classification Hearing on real estate taxes. Members present were: Miss Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 7:45 p.m.

Motion by Mr. Johnson, seconded by Mr. Ready, unan. to keep Classification in the Town of Chelmsford as it stands now, at 5%. This taxes commercial and business property at a rate 5% higher than the residential rate. Assessor Diane Phillips was present and said that the Board of Assessors is also recommending that we keep Classification, but not go any higher on the rate.

At 7:50 p.m. motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Tuesday, October 30, 1990. Members present were: Ms. Towle,. Mr. Ready, Mr. Johnson and Mr. Blomgren. Mr. Emerson arrived at 7:45 p.m. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 7:30 p.m.

Ken Goode and Chris Curliss of Purity Supreme were present and presented the Town with a check for $6208.64 to pay for the granite curbing put along the Boston Road sidewalk. Ms. Towle thanked Purity on behalf of the Board and the Town, and Mr. Ready thanked them on behalf of the Traffic and Safety Committee. Motion by Mr. Ready, seconded by Mr. Blomgren, unan. to send a letter of thanks to Donna Johnson and the Citizens for a Cleaner Chelmsford for originating the idea and following through with Purity.

George Gagan, New England Telephone, was present with pole petitions:
1. Littleton Road - request for 137 feet of underground conduit to extend additional telephone facilities in front of 72 and 76 Littleton Road. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

2. Park Road and Proctor Road - joint petition - to facilitate road widening, at the request of the Assistant Town Engineer. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

3. Kensington Drive - Mass. Electric request to install 1 pole near Ansie Road. David English presented the petition, stating that this is at the request of the Town and is at the Sewer Pumping Station. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

Under Reports, Mr. Ready said that last Friday the CHS Girls' Swim Team won the match, and that they have done a good job and he wants to congratulate them.

Motion by Mr. Ready, seconded by Mr. Johnson, to approve the minutes of October 1, 1990.

The Town Manager reported that residents will notice that some work is being done on the roads in Town. This is a new crack filling program to preserve the roads. Mr. Lynch explained the process.

Mr. Lynch reported that the Park Supt. Donald Gray is retiring tomorrow. Motion by Mr. Johnson, seconded by Mr. Ready, unan. to ask Mr. Gray to the next meeting.

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He reported that the second quarter tax bills are due Thursday, November 1st, and that we have realized savings already through quarterly tax bills.

Mr. Emerson joined the meeting at 7:45 pm.

At 7:45 pm Chairman Towle announced a **Dog Hearing** and swore in all those who would be testifying. The hearing was held regarding the **German Shepherd dog owned by Joan Alston and Robert Blau, 19 Singlefoot Road.**
Patricia Metevier, 16 Singlefoot Road, acted as spokeswoman for the neighborhood, stating that the dog appeared betwen 2 and 2 1/2 years ago, that he is loose at times and chases bikers and joggers. Her first incident with the dog was when her 11 year old son was riding his bike and the dog nipped at him. On October 8, 1990 the dog bit Mrs. Judith Bain, 246 Pine Hill Road, and also bit her dog. Mrs. Bain is not present tonight because Mrs. Metevier believes that the Bains have started legal action. Mrs. Metevier told of more experiences with the dog and her family and said the neighbors all feel like they are hostages in their own homes. She stated that the Police and/or the Dog Officer have been called over 30 times, and that they don't want to take any more chances having this dog loose. There were about 12 neighbors present who had signed the petition. Mrs. Metevier also stated that Mrs. Blau speaks to the dog in a foreign language and the dog does not appear to understand English commands. She concluded sitting that she herself has called the Dog Officer at least 11 times over the last 1 1/2 years, and realizes that there are other dogs in the neighborhood running loose but there have been no incidents with them.

Attorney Peter deGelleke, Bedford, said he was contacted by the Blaus yesterday. He said they realize that something has to be done since the incident on October 8th. He said that the dog first attacked Mrs. Bain's dog, and she interfered. Mrs. Blau contacted the vet today and he referred her to a dog behavior specialist. She will also be taking the dog to Lake Placid, New York for several months the end of November. Mr. DeGelleke recommended that the Board isssue a specific order that the dog is not to be unrestrained at any time and the Blaus realize there is a serious problem.
Mr. Johnson asked if Mr. DeGelleke would use his professional liability insurance if the dog bites again and if the Board allows the dog to remain in Town the Town would be sued if there is another incident.
Mr. Ready said he doesn't believe the Blaus take this matter seriously or they would have fenced in their yard 2 years ago, and that owners of an animal should take care of it properly.
Mr. Johnson stated that it is too late to put up a fence - the dog should be banned from Town. Mr. Emerson said he sees no reason to ask the neighborhood to put up with this situation any longer.

Mr. DeGelleke said that the Blaus have put up a run in their backyard and have a special harness so the dog cannot get loose.

Joan Alston (Blau), the dog's owner, spoke stating that she has been at her Lake Placid house from August, 1989 to January, 1990 and added that she always speaks in English to the dog. Mr. Johnson commented that do hearings are usually 1 on 1, this hearing involves at least 7 homes, and the Board would be doing a disservice to the community to let the Blaus keep the dog. Ms. Alston said that she takes the matter seriously and can guarantee that the dog will not be loose.
Dog Office Frank Warren said he does not have much more to offer - he has been to the house and the dog is always barking at the window in the house. He has received 10 -12 calls about the dog in the past 6 months.
Motion by Mr. Johnson, seconded by Mr. Ready, to remove the dog from the Town within 10 days and to have the dog kept restrained during that time. There was discussion about letting them wait until the end of November and having the dog removed permanently. Vote was unanimous to have the dog removed permanently from the Town within 10 days.

The Board then met with Gus Maniscalco, owner of **Fisherman's Galley**. Their licenses, both Common Victualer and Beer and Wine state that they will be closed Sundays but at the request of his customers they would like to **open on Sundays.** The hours requested are: Mon., Tues., Wed. and Sat. - 10:00 am - 7:00 pm; Thursday and Fridays - 10:00 am - 8:00 pm amd Sundays from 11 am (liquor at 12 noon) to 8:00 pm. Mr. Johnson commented that they have been in Town for over 10 years with no incidents. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the Sunday opening.

Under **Reports, Mr. Emerson** read a memo he had prepared re the Lowell Landfill quoting the response from the Lowell City Manager, and stating that he believes the Town should take steps with the DEP to establish a testing program to detect pollutants in our water, ground and air. Mr. Emerson urges the Board to meet with the Board of Health and Town Counsel to review this matter.
Mr. Blomgren asked the press to publicize openings on the Hazardous Waste Advisory Committee and we should seek advice from experienced engineers.

Under **New Business Mr. Blomgren** said he wants the SWAC to come to the next meeting and Mr. Ready said he wants to know how our waste program is doing financially.
Mr. Lynch told the Board that SWAC is in the process of appointing a whole new committee and won't be able to report yet. He added that many of the same people are interested in both solid waste and hazardous waste.

Mr. Lynch said that Town Counsel has met with DEP on the Lowell Landfill and will be going to Boston again with Richard Day. Mr. Lynch will have a report for the November 13th meeting.
He added that Frequency Sources is keeping the Town up to date and they are still trying to get onto one property for testing.
Mr. Ready said he had met with Mr. Lynch, Judy Mallette, Frequency Source reps and Attorney Geary.

Mr. Emerson wants SWAC members who are getting through to come in to a meeting for Certificates of Appreciation.

Mr. Lynch then reported on his FY92 budget narrative and forecast and handed out copies.
He said that there will be a $1.4 mil shortfall assuming all operating budgets remain at current levels, and for revenue he projects $200,000 new growth and 2 1/2% property tax increase.
Mr. Johnson asked if the CLT petition passes on Nov. 6th what will happen, and Mr. Lynch said that for FY91 we have $1.5 mil less. In FY92 we could have a $4 - $5 mil shortfall. The average department budgets have gone up by 8% over the last 3 years, and we have seen a decrease in the workforce by 12 - 13%, and 30 full time employees have been laid off. We can't cut by 8% without diminishing services.

Mr. Blomgren questioned our membership in the LRTA, asking if we want to get out should we initiate legislative action soon.
Mr. Lynch said he will have a report on the LRTA for the next meeting.

Mr. Lynch said department heads were told to prepare FY92 budgets at 96% of FY91. We have no major structural changes but he has changed general government to municipl administration.

At 8:50 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by
Judith E. Carter

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Regular meeting of the Board of Selectmen held Tuesday, November 13, 1990. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 7:30 p.m.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to proclaim November 13, 1990 as Donald P. Gray Day in the Town of Chelmsford. Mr. Gray is retiring after 33 years of service to the Town as firefighter and Park Supt. Mr. Ready read the proclamation and the Board wished Mr. Gray much happiness in his retirement.

Members of the CHS Girls Swim Team were present to receive Certificates of Appreciation for their success this fall. Mr. Ready summarized the team's successes. Coach Al Thomas praised the team and thanked the girls.

Ed Shandley, New England Telephone Company, presented several pole petitions to the Board.

1. Boston Road - to erect a stub pole and move a pole to stop wires from crossing private property. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

2. Temi Road - a pole at the corner of Temi and Nadine is to be replaced and moved across Temi Road to keep the lines straight. Ed Morelock, 12 Nadine Road, said that with the new poles wires will come across his property on the corner of Temi and Nadine and he is afraid he will lose up to three maple trees. Mr. Johnson suggested that he and New England Telephone get together to solve the problem. Motion by Mr. Ready, seconded by Mr. Johnson, to ask them to do so and to table the petition until the Board's next meeting.

3. Roberts Street - move a pole 18 feet and eliminate a private property crossing. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

4. Concord Road - erect a stub pole on Concord Road at Hazen Street because the line was broken a few weeks ago. Mr. Ready questioned the use of stub poles. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve this petition.

5. Princeton Street - to install conduit at Richardson Road, under the unpaved portion of the sidewalk, and also an apparatus pad. Mr. Emerson asked if this could potentially block the sidewalk, and Mr. Shandley said no, he had measured today. Mr. Emerson asked for a Hold until the next meeting. Mr. Johnson suggested checking with the Town Engineer's office and Mr. Shandley said he has already approved the location. The vote was unanimous to place this on Hold until the next meeting.

6. Chelmsford Street - They want to put more lines up and down the street and utilize a cable that they are not using now. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of October 9, October 15, October 19 and October 30, 1990.

Roland Linstad, President of the Police Union, I.B.P.O. Local 341, met with the Board regarding the three patrolmen who are being laid off. He claimed that laying off 3 brings the total number of layoffs up to 7, which brings them back to the manning they had in 1975. He presented a handout showing the rise in crime since 1975 and also the rise in monies going to the Town. He pointed out that we have no intermittent officers now, and in 1975 the Town had eight. He added that for the short term, the layoffs won't be noticed, but in the long term cuts will be noticed when we no longer have specialized units - Youth, Drug and Investigation. According to the national average we should have 61 officers, and with the layoffs we will have only 39. He noted that the Town's population goes to over 70,000 during the day. He said that there are 4 retirements, 1 disabled and 3 layoffs, and that he and the Town Manager are still talkling ways to save - laying off dispatchers and replacing them with patrolmen, etc. Officer Linstad said that everything in Town is growing and they are being cut. Mr. Ready told him that the Board wants to see him work with the Town Manager to look at minimum manning and the present layoffs.

Attorney John Leslie represented Joseph D'Amico at his Public Hearing on his application for a Beer and Wine License for D'Amico's Pizza Plus. He said that Mr. D'Amico has been in business there over seven years and that his wife and family also work there. Mr. D'Amico has managed Pizzeria Regina's, serving liquor, and is applying for an All Alcoholic Common Victualer's License, limited to Wine and Beer. This is in response to requests from his customers and also an increase in the number of licenses held by his competitors. His seating capacity is 46, and he will not be trying to increase it. Mr. Johnson said he looks at this application very favorably. Mr. Emerson suggested that the Board allow no advertising on the exterior, unless for only 30 days as we allowed Jimmy's Pizza. The hours requested are 11 am - 9 pm weekdays, and 12 noon - 8:30 pm on Sundays. Mike Donohoe, 8 Maple Avenue, spoke in favor of granting the license.
Mr. Ready moved that according to policy this matter be put on the agenda for the next meeting for a vote, seconded by Mr. Johnson, unan.

Eric Kaplan, 23 Bartlett Street, was present requesting an **extension of a street opening permit** beyond November 15th. DPW Director Jim Pearson was going to write a letter to the Board but he was out sick today. Mr. Kaplan wants to tie into the Sewer line at 23 Bartlett Street, but it will be entering from Adams Street , which has just been paved and there is a two-year moratorium on re-opening a newly paved street. Mr. Johnson commented that this will be happening more and more often and we shouldn't be putting residents under financial pressure. The Town Manager said the main issue here is that the pavement is new. Motion by Mr. Johnson to allow the extension of the street opening permit to place the sewer line at 23 Bartlett Street. Mr. Emerson wants to amend the motion to make time certain by December 31st. Sewer Commission Chairman Barry Balan said that the Chelmsford asphalt plant is to stay open until December 1st, and Dr. Kaplan said he won't let them start the project unless they can finish it. Mr. Ready moved to amend the motion to approve the waiver of the 2 year new road policy and subject to the availability of asphalt to complete the project by December 31st. Motion was seconded by Mr. Blomgren, unan.

John Warren, Exalted Ruler of the Chelmsford Elks, was present requesting a **change in manager** at the Elks from Arnold Silva to Michael Marshall. He said that Mr. Marshall has been a member for 11 years, has served as bartender and been on the house committee, overseeing the day to day management of the lodge. A favorable background check has been received on Mr. Marshall. Board members Ready, Johnson, Emerson and Blomgren all disclosed that they are members of the Elks. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the change in manager.

Town Counsel James Harrington met with the Board to dicuss various matters.
He explained the need for a **Special Town Meeting** and went over the various articles on the warrant.
The first article is to **amend the Rent Control By-law.** Mr. Harrington said that Mobil Home Park residents are executing a long-term 30 year lease with the park owners, which must be approved by the Rent Control Board, and we may need to amend the by-law for them to approve it. He is going to recommend at the Annual Town Meeting that we remove the rent control by-law but keep the legislation intact so we could re-institute the Board at a future date.
2. There is a minor change in the **unregistered motor vehicle by-law**, that a person is allowed only one unregistered vehicle and if he wants more, he needs BOS approval.
3. To **approve and confirm the actions taken at the October 1st Town Meeting**, that the wording of the Charter has been questioned by bond counsel. Mr. Blomgren said if there is a problem with the Charter, ask Town Counsel to recommend how to correct it. Mr. Harrington was instructed to draft an 8th article to amend the Charter. He said he may recommend waiting until the Annual Town Meeting and amemding several areas of the Charter.

4. The acceptance of Natalie Road as a Public Way, inadvertently left off the October 1st meeting.
5. A transfer from the Insurance Sinking Fund to General Expenses.
6, 7 and 8 - articles submitted by the Fire Chief regarding the General Laws relative to sprinkler systems.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to call a Special Town Meeting as recommended by Town Counsel.

Under Reports, Mr. Ready reported that the Holiday Decorating Committee has a fundraiser underway, that Altid Enteprises has contributed $1,000 and that the Annual Tree Lighting Ceremony is Sunday, December 2nd. Donna Johnson is now Chairman of the Committee.

Mr. Johnson noted the correspondence on the redesigned construction on Alpine Lane and said he has concerns regarding Arthur Greenwood and his property, Alpine Gulf. He moved, seconded by Mr. Ready, unan. to ask the Town Manager and the Town Engineer to work out a satisfactory arrangement between Alpine Gulf, the hotel and the Town.

He reported on the Greystone Pond Citizens Advisory Committee. He is the Board's liaison to the 15 member Committee. If the project occurs, it will have to be in phases, and after a certain amount of square footage is completed, new improvements will have to take place. They will still have to go to the Chelmsford Planning Board before any construction is started in Chelmsford, but if they build in Westford initially we may not have much input.

Mr. Emerson reported that he and the Town Manager met with assistant Town Counsel Tom Horton on the Lowell Landfill. Mr. Horton has investigated and is sure that some irregularities have occurred over the years. He thinks there should be further investigation. Mr. Lynch said that he and Mr. Emerson were impressed with the progress that has been made to date, and he gets the feeling that the State would like to see a plan to close the landfill while the City of Lowell would like to expand it. Town Counsel will go with the Board of Health to the Department of Environmental Protection and then to the Attorney General. He will recommend after that meeting to have Mr. Horton go forward, and also to draw on the expertise of MacGregor, Shea and Dolmier. Mr. Johnson asked how much money will we be spending on legal counsel, and Mr. Lynch said only $1 - $2,000, except for our own Town Counsel. Mr. Blomgren said if you find something inappropriate, we should be able to recover this money.

Mr. Blomgren referred to a letter from residents at 5 ElDorado Drive, who had addressed concerns regarding a Sewer project in front of their property. He is asking the Town Manager to have the Sewer Dept. look into this problem.

Town Manager Reports:
1. **LRTA** - he asked our liaison John Emerson to obtain the costs, as outlined in Mr. Lynch's memo. The cost to the Town is $84,000 per year, and he is recommending that we remain in the system.

2. **Lowell Landfill** - already covered under Board reports.

3. **Level Services Budget** - there is a shortfall of $3.2 million. Mr. Lynch projects that Local Aid will be down by 5%. A level funded budget is looking at a $1. million shortfall. A discssion of police lay-offs followed, with the Board indicating to Mr. Lynch that they do not want layoffs in the Police Dept.

4. **Solid Waste** - he gave members a spread sheet and summary. He said there is an apparent surplus now of 17,000, but he wants to wait and see what happens, we are basically where we projected we would be. He will have recommendations at the 6-month point.

5. **Special Town Meeting** - motion by Mr. Ready, seconded by Mr. Emerson, unan. to call a Special Town Meeting for Monday, December 3rd.

6. **Sale of North Town Hall** - he gave Board members an outline of stipulations, and said he had adapted his criteria to conform with State law. He will check with Town Counsel and discuss this matter at the next meeting.

Unfinished Business - Mr. Ready asked for a Hold on the request for a streetlight on Wightman Street - he wants to view the area.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve a 1-day All Alcoholic Liquor License for St. John's Church.**

Mr. Emerson asked what about putting a moratorium on new streetlights, and Mr. Johnson said if the Safety Officer recommends a light, the Board has the duty to provide one. This will also be discussed at the next meeting.

At 10:05 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Adib E. Canta

91 JAN 16 PM 2:45

Regular meeting of the Board of Selectmen held Monday, December 3, 1990 at 6:45 pm at McCarthy Middle School. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

Ed Shandly, New England Telephone Company, was present to report on pole petitions that were tabled at the last meeting.
1. Temi Road - Mr. Shandly said that he had met with Mr. Morelock, that he had misunderstood the location and is now satisfied. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve this petition.

2. Princeton Street - Mr. Emerson said he has looked at the placement of the apparatus pad and finds no problem with it. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve this petition.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of November 13, 1990.

Under Reports, Ms. Towle asked that Mass. Electric be called re a streetlight that is on all day near #9 Beaulieu Street.

Motion by Mr. Johnson, seconded by Mr. Ready, unan. to write to Cable 43 thanking them for the excellent telecast, both the coverage and the announcing, of the Thanksgiving Day Game with Billerica, and asking them to continue this good work in the future.

Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to send a letter of thanks to the Holiday Decorating Committee and ask them to attend the Dec. 17 meeting so the Board can thank them publicly for the nice job they have done decorating the Common.

Motion by Mr. Emerson, seconded by Mr. Ready, unan. to send a memo to the Traffic and Safety Committee asking them to look into placing a No Right Turn sign at Locke and Davis Roads (coming from the High School).

Under New Business, Mr. Ready asked the Town Manager for an update on the Telamos Affordable Housing proposal. Mr. Lynch said that a year ago there were four areas of concern: the Department of Environmental Protection Report was being reviewed by Tom Arnold and Conservation Commission members; the final EIR came out in June and the Town is trying stalling tactics and is still concerned about the impact on the wells; the Board of Appeals decision is still in court and we are waiting for the judge's decision; and we objected to HOP funding the project but now no project can receive funding until July 1, 1991.

Mr. Ready referred to the **Local Incentive Program**, and moved to ask the Town Manager to look into the program, seconded by Mr. Blomgren for discussion. Mr. Lynch said that the program was developed two years ago, and states that there should be consideration given to communities that develop Affordable Housing without state subsidies. He wil look into it. Mr. Blogren said he wants to see a copy of the program before voting to pursue it, and tabled the vote until the Dec. 17th meeting.

At 7:00 pm a **Public Hearing** was held on the **application of William and Dolores Kirk, owners of Cedar House for an expansion of the premises under their Wine and Malt Beverages Retail license.** Attorney Joseph B. Shanahan, Jr. represented the Kirks and gave the reasons for their request for expansion. He stated that the Kirks own the building at 124-126 Tyngsboro Road, that there has been a convenience store there for several years and 3 years ago they obtained a Wine and Malt Retail license. They want to put on a 15 x 50 foot (750 square feet) addition on the rear of the building to consolidate the number of front loading refrigerators. The addition is for a walk-in rear-loaded cooler for beer, wine and dairy products, and Mr. Shanahan told the Board that a rear-loaded cooler is more labor and energy efficient. They have already been to the Board of Appeals because the building is too close to the road. Beer and wine will still be kept to the left to the store, but the area will be more secure. There have been no complaints filed with the Police Dept. in the past 3 years. No one present was in favor of or opposed to this application for expansion. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the expansion of the premises.

Under **Unfinished Business**, Mr. Ready said that he has viewed the site for the requested **streetlight on Wightmnan Street**, and moved to approve the request, seconded by Mr. Johnson, unan. Mr. Lynch said he has been working with Mass. Electric on decreasing the lumens in some lights in Town, and he will report more on this project at a future meeting.

On the application of **D'Amico's Pizza Plus for an All Alcoholic license restricted to the sale of Wine and Malt Beverages**, motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

The Board discussed the **guidelines for the sale of the North Town Hall.** Mr. Lynch had listed the qualifications at the last meeting: price, suitability to the neighborhood and payment in lieu of taxes. Mr. Johnson said he has a problem with the formula: that in certain extenuating circumstances suitability to the neighborhood should have more weight, that price shouldn't be the primary objective and that suitability should have been the number one requirement. Mr. Ready said that he also wants to see suitability put at 50%, Mr. Johnson said we should put different

weight on the 3 areas, and Mr. Emerson said he thought the proposed weighting was required by law.
Mr. Lynch said that there is new legislation, that we have to explain at the outset how we are going to rank the proposals. Mr. Johnson stated that this weighting may be inappropriate, that the neighbors want suitability to the neighborhood first, that we don't want price as the No. 1 criteria. Motion by Mr. Johnson, seconded by Mr. Ready, to put suitability at 50%, with price and payment in lieu of taxes at 25%. Vote was 4 in favor, Mr. Emerson not voting.

Under **New Business** Mr. Ready asked the Town Manager to explain the **Insurance Sinking Fund.** He said that the sinking fund was established to pay for items that insurance didn't fund, it has been used as an insurance stabilization fund and now contains $18,000. The Town Manager said that Grace Dunn is concerned with the Health Insurance Trust Fund, that last February we anticipated health insurance costs to be going up and budgeted for that, but last July we looked at the balance and felt it could be reduced to $1.8 million, a reduction of $200,000. Employees contribute 40% and the Town 60% to the Insurance Trust Fund. Mr. Ready asked if the 60 - 40 split could be adjusted at the end of the fiscal year, and Mr. Lynch said that under new legislation we now have to pay equal dollars, not equal percent. The Town is now picking up 75% of HMO's, and under State law employees now have to contribute at least 10% to HMO's. The more Blue Cross/Blue Shield rates go up, the more people go to HMO's. Motion by Mr. Blomgren, seconded by Mr. Emerson, to authorize the Town Manager to look more closely at our insurance coverage and come up with a motion. Vote was 4 in favor, 1 not voting (Mr. Johnson).

Mr. Blomgren asked the press and Cable 43 to publicize our emergency snow procedures.

Mr. Ready asked that a copy of the license renewal list be sent to the Sewer Commission and the Sign Advisory Committee.

Mr. Blomgren said that the Chelmsford signs are still down on Routes 4 and 129, and please send another letter to the State DPW.

It was requsted that the Building Insepctor be asked to check on Stoney Brook Auto Repair's selling cars.

At 7:30 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn to the Special Town Meeting.

For the Board of Selectmen, by

Judith E. Cantu

91 JAN 16 PM 2:44

Regular meeting of the Board of Selectmen held Monday, December 17, 1990. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Attorney James Geary presented the Baord with a petition containing 130 signatures to have an article placed on the next open town meeting warrant to rezone the 32 1/2 acre parcel known as the Chelmsford Mall, and also a small portion of land behind the Mall, from CA to CC, to comply with the density requirement. He is asking that the Selectmen have the signatures certified by the Town Clerk and request the Planning Board to hold the required Public Hearing. He realizes that there is not enough time before the January 7 STM.

At 7:30 pm Chairman Towle called the meeting to order and CHS Coach Dana Howe and the volleyball team were present to accept awards of appreciation for their winning the district championship.

At 7:35 pm Sewer Commission Vice Chairman John P. Emerson, Jr. was present to reaffirm the Commission's position regarding using betterments to retire debt from construction over the next 20 years. The $6 mil in betterment fees is to be used for retiring debt and returning money to the project. He is asking the Town Manager and the Board of Selectmen to support the article. App. $47 mil is exempt from Prop. 2 1/2 and they can complete the project due to the low bids on the last 6 contracts. Sewering will cover 2/3 of the Town when the 20 year project is completed. The Town Manager said that $2 mil was put in as "seed money" for sewering, and if the betterments were used we could reduce the taxes for FY92. Mr. John Emerson said he doesn't think we should use betterments to maintain services.

A Public Hearing was scheduled for No. Chelmsford Auto Parts for 7:45 pm but Mr. D' Angelo was not present so the matter was put on Hold for 15 minutes.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the December 3rd meeting.

There were no reports from Board members.

The Town Manager reported that he has reviewed the EOCD local Initiative Program pertaining to the Lamplighter Green project.

Mr. Charles D'Angelo, President of North Chelmsford Auto Parts, arrived at the meeting and the Public Hearing was reconvened on the renewal of his Class III Auto Dealer's license.

Mr. D' Angelo said there had been no problems during the past year, but the Town Manager said he has heard comnplaints: there has been a change in the entrance to the property from Butterfield to Sleeper Street; an 18-wheeler has been parked on his property, although Mr. D' Angelo claimed it is not his and is not there anymore; there is also possible oil contamination from spills on the roadway, and the Building Inspector has received complaints regarding the fence falling down.
Michael Sweeney, 7 Sleeper Street, said he is concerned re the spillage, that it appears to be gear oil and transmission fluid. He showed photographs taken during the past summer, and said that the truck hit his phone lines, knocking them out, and damaged his vinal siding. He said that there seems to be a lack of concern about the leakage of fluids, and he has called the Building Inspector several times. Mr. D' Angelo claimed that the environmentalists find no problem.
Mr. Johnson said he wants to put the matter on Hold until we hear from the Building Inspector regarding the leakage, and the Town Manager said we have also asked for reports from the Board of Health.
Debbie Sweeney said she has a problem with them using Sleeper Street as an entrance - that there are children playing on the street and there is still spillage.
Mr. Johnson stated that the Town can decide on the entrances and exits from the property, and we should look into access safety. The Sweeneys feel it would help if the access was limited to Butterfield Street.

At 8:00 pm Ms. Towle closed the hearing until the Board hears from the Building Inspector, Board of Health and the Safety Officer. Mr. Emerson said he feels that most years we have had complaints during this hearing, he feels that Mr. D' Angelo doesn't take the matter seriously and it is time for the Board to tell him to clean up his act. Mr. Blomgren noted that we have many notes from Mrs. Sweeney in the file, and the Town should say we don't want the business as a Town.
Motion by Mr. Blomgren that given the Public Hearing **we reject the request to renew the Class III license.** Mr. Emerson asked if we have the right to request a 21E pollution check and Mr. Lynch said we will look into getting one from DEQE. Mr. Johnson said he still wants to get reports back. Ms. Towle said that she has sat at these hearings for 18 years , first as a secretary and then as a Board member, and Mr. D' Angelo is always late, there are always problems and he hasn't shown good faith. She stepped down from the chair to second Mr. Blomgren's motion. **The vote was 5 in favor to deny renewal of this license.**
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to consult with Town Counsel.
Mr. Blomgren suggested as a temporary solution to deny the entrance on Sleeper Street until the end of the year.

The Board then met with the **Holiday Decorating Committee** and Chairperson Donna Johnson. Mr. Blomgren said he wants to take this opportunity to express the Town's gratitude to her and her committee for the special job they have done in decorating and raising money. He thinks the Board should put some money back into their budget. Ms. Johnson said she and the committee wanted to raise the money from private sources, they have raised over $3700, and have enough to do what they want with that amount. They would rather not take even $250 from the Town.
CHS student Karen Ready gave Ms. Johnson a check for $170 from the CHS Student Council, whose members sold hot chocolate at the tree lighting ceremony. Mr. Emerson asked if they are going to expand to Vinal Square next year, and asked if the committee could take that on. Ms. Johnson said she thinks there should be another committee, that hers only wants to do the Center. She requested that any donations be sent to Mrs. Ellen Donovan 104 High Street. Mr. Johnson said that he wants to spearhead a committee to decorate Vinal Square next year.

Bill Logan, Chairman Traffic and Safety Committee, said that after the 60-day trial of no parking on the Shawmut Bank side of Vinal Square from 4 - 6 pm the committee has voted to continue this ban on a permanent basis. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to adopt this permanently. Mr. Logan said that the committee has received calls about also posting the ban from 7 am - 9 am, and will look further into this and vote on it in January.
He presented the Board with a sidewalk proposal drafted by School Committee member Judy Mallette and asked them to review it.

The **Baptist Pond Committee** was present to report on their progress. Dr. Robert Lawlor, Chairman, presented the committee's recommendations - power boats should be allowed, with regulations, Mass. state boating rules should be enforced, they want Pond Street to be closed between September and June when not monitored by the South Chelmsford VIA, noise pollution will be controlled, no jet skis will be allowed, and the hours for power boats will be from 10 am - 8 pm. The committee does not have the resources to inspect and study pollution but they feel it should be looked into. He said that the Board gave them the impetus to form a new association known as the **Hart Pond Inmprovement Association.** Dr. Lawlor said that the association will need firm enforcement, which comes from the State, and they will have dissemination of rules and regulations.
Dora Brown, Interim President of the H.P.I.A., said that 50 out of 70 residents on the pond are paid members ($5.00 per year), and the committee's purpose is to develop safety rules and guidelines.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that the Board adopt the Ad Hoc Committee's recommendation that we accept the newly formed group as an Ad Hoc Committee on rules and regulations. Mr. Blomgren moved to add that the committee also make a presentation to the Westford Board of Selectmen.

At 8:45 pm the Board took a 2 minute recess.

Motion by Mr. Emerson, seconded by Mr. Ready, unan. to send a letter of thanks to Dr. Lawlor and his committee.

Mr. Lynch then continued his report. Two years ago the Lamplighter Green project presented was not supported by the Selectmen or the Board of Appeals. The Board of Appeals decision was overturned by the state Housing Appeals Committee. The Town appealed this decision. There are no funds in HOP now, and will not be until July 1, 1991. Under the Local Initiative Program the Town and the developer work closely together, with the Town in favor of the developer's project. Mr. Lynch said he has no recommendation that the Town move forward at this time, and if the appeal fails, this approach is not better than the HOP. Mr. Johnson asked what is the urgency - can we do it at a later date, and Mr. Lynch said Yes, any time. He added that the program is designed for a community that wants a project to go forward. The Board thanked the Town Manager for researching and bringing this information to them.

Motion by Mr. Ready to approve the Meadow Grill's request to hold a Night Owl Breakfast on New Year's Eve, seconded by Mr. Emerson. The vote was 2 in favor (Emerson and Ready) and 3 opposed (Johnson, Blomgren and Towle).

Motion by Mr. Emerson to reconsider, seconded by Mr. Ready, to do so. Vote was 4 in favor, 1 opposed (Mr. Johnson). Mr. Emerson and Mr. Johnson debated the issue. Motion by Mr. Emerson, seconded by Mr. Ready, to approve the affair if a Police Officer is present. Vote was again 2 in favor (Emerson and Ready), 3 opposed.

Under **Unfinished Business**, motion by Mr. Ready to renew all licenses except those that come back with negative reviews from regulatory boards, seconded by Mr. Johnson, unan. Mr. Blomgaren asked that a letter go out immediately that as of January 1st no licenses will be issued if taxes have not been paid, according to the list returned by the Treasurer.

Under **New Business**, the Town Manager went over the draft for the warrant for the adjourned Jan. 7 Town Meeting. Articles are basically the same as on Dec. 3rd. The Board discussed ways to fund the petition article asking for the rehire of the 3 policemen who were let go.
Motion by Mr. Ready seconded by Mr. Johnson, unan. that the Board hold a **Work Session** before the STM on Jan. 7th to work out an amendment.

Under **New Business** Mr. Emerson made reference to a letter from the **Historic District Commission** regarding a panel installed by the sewer contractor on Littleton Road, just within the District. He thinks they have a legitimate gripe that they were not consulted, and thinks that the breakdown of communcation is in the Building Department. That department should know the boundaries of the district, and this is a long-standing situation, that the Town appoints a committee and then doesn't support them. He suggested a letter from the Town Manager to the Building Inspector stating that this was a serious oversite by them and should not happen again. Mr. Johnson suggested sending a copy of the Historic District letter to the Building Dept. and the Sewer Commission. The Town Manager said we need to have an enforcement agent from the Town follow the guidelines of the Historic District Commission, and he will investigate to find the cause of the problem and a solution.
Motion by Mr. Emerson, seconded by Mr. Blomgren, unan., to send a letter of reprimand to the Building Inspector and a letter of apology to the Historic District Commission.

Mr. Emerson said he understands that the new Sealer of Weights and Measures is the Building Inspector and asked about his experience. Mr. Lynch said that he is gettting training from the state and from the former inspector. He asked if the Bldg. Dept. will get the fee and Mr. Lynch said No. Mr. Emersona moved that Mr. Fereirra be asked to a future meeting to receive a Certificate of Appreciateion, seconded by Mr. Ready, unan.

Mr. Blomgren asked about posts in the planter at Vinal Square and Mr. Lynch said that reflective posts have been put in so plows will not damage it.

Mr. Blomgren asked the status of several gas stations - Citgo Quik Mart, the Texaco station on 110 and the Gulf station by Demoulas. The Fire Dept. will be asked the status of these stations - are they closed, self-service, etc.

Mr. Blomgren commented on the new hire for public safety by the School Dept. and said that we need work force balancing and to work together.

At 10:15 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Monday, January 7, 1991 at 6:45 pm at McCarthy Middle School. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson and Mr. Blomgren. Mr. Emerson was absent due to illness. Bernard Lynch, Town Manager, was also present.

Chairman Towle called the meeting to order at 6:45 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of the December 17th meeting.

Attorney James Geary was present representing Charles D' Angelo, president of North Chelmsford Auto Parts. Mr. Geary gave the Board a copy of the restraining order which his client was issued the day after the Board denied the renewal of his Class III Auto Dealer's license. The injunction allows him to operate until after tonight's meeting. Mr. D' Angelo and his manager Raymond Bowman were both present at the meeting. Mr. Geary explained that there has been a Class III license on the Sleeper Street property since 1951 and Mr. D' Angelo has been there since 1965. The entire area is zoned commercial, and Mr. Geary named the various businesses in the immediate area. Mr. Geary understands that the Board received a complaint from the Sweeney family about spillage of oil on Sleeper Street - Mr. D' Angelo claims that there was only one incident and it was cleaned right up. The State DEP also received an anonymous complaint and when they came out found no problem but wanted to make sure that the used oil is disposed of properly. Atty. Geary continued that Mr. D' Angelo has always cooperated with the Town, granting them a sewer easement, etc. and the sewer department found no contamination either. He added that the Sweeneys had bought their property 2 or 3 years ago for $96,000 and had offered to sell it to Mr. D'Angelo for $225,000.
Atty. Geary said he is asking the Board to consider renewing the license for the following reason: Sleeper Street has always been the address of the facility and both Sleeper and Butterfield Streets have always been used as access. He suggesteed that the conditions for granting be: 1. all regular light activity come in over Butterfield Street, with only vehicles of 5 ton or more using Sleeper Street and keeping the gates at Sleeper Street closed at all times; (He explained that Sleeper Street is wider and has no culvert to cross over as does Butterfield Street) 2. they will furnish receipts from the licensed facility to which they take the used oil under EPA rules; 3. they will be called in for a review of their performance by either the Town Manager, Board of Selectmen or the Building Inspector in June; 4. neither party to concede under the existing lawsuit, and give him 6 months to comply with these rules.
Mr. Ready asked if the DEP gave a report in writing, and was told No, that they didn't check for contamination and neither did the

Sewer Department.

Mr. Johnson said that his motion at the last meeting had seemed fair, wait for reports from the abutters, Board of Health and 21E. He wants to go to the regulatory commissions before putting someone out of business.
Motion by Mr. Johnson, seconded by Mr. Ready for discussion, to post a new Public Hearing, with notice to the abutters, for January 23.
Mr. Ready said he wants to get input tonight.
Michael Sweeney, 7 Sleeper Street, said he was surprised that the Board had shut Mr. D' Angelo down so quickly at the last meeting. He stated that there is still a lot of spillage and billowing smoke. He feels there is a potential for toxic waste and we need to have DEP do soil testing.
Debbie Sweeney said they have been living there 6 years and only in the past year has Mr. D' Angelo been using Sleeper Street as an entrance. Vehicles are still parked in the street and they have to call the Building Inspector.
Manager Raymond Bowman said that the smoke comes from cutting up the steel pieces, and nothing is ever parked outside the gate that belongs to the junkyard. He explained Mr. Sweeney's photos, saying that the trucks do not belong to No. Chelmsford Auto but are in space rented by Toure Larson.
Town Counsel James Harrington asked if the Town can make inspections before the hearing abd Mr. Geary said certainly. He said we will have the Building Inspector check as to who owns the vehicles outside the fence, Cargill or Larson.
The vote on Mr. Johnson's motion to schedule another Public Hearing was unan. in favor. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to allow the temporary restraining order to remain in effect until January 28th.

A Public Hearing was held on the application of CIRO'S, Inc. Attorney Joseph B. Shanahan, Jr. represented sole stockholder Vincent Cicerchia, who has owned and run Vincenzo's Restaurant for 9 years and CIRO'S for 3 years. CIRO'S is a gourmet pizzeria and presently has a wine and malt beverages license. Mr. Cicerchia has bought the shopping plaza in which both establishments are located, and he and George Yannakopoulos have opened a second CIRO'S in Nashua, NH, and are applying for licenses for a third establishment in Maynard. Tonight he is applying for:
1. endorsement for the expansion of CIRO'S - they have added 800 square feet, increasing the seating from 50 to 100. He apologized for not appearing before the Board prior to the expansion, stating that they did not know that they have to modifdy their license for expansion;
2. transfer 1/2 the stock in the organization to George Yannakopoulos; and
3. they are seeking to replace their beer and wine license with an All Alcoholic Restaurant license, since he has proven himself in Town.

Attorney Shanahan said the reasons for applying for the new liquor license are:
1. their experience in their Nashua store has shown that an all Alcoholic license works well with this type of establishment;
2. since the Town has no more beer and wine licenses, and the number of All Alcoholic licenses is diminishing, this transfer could free up one beer and wine license for use by a pizza shop.
Attorney Shanahan said he had sent notice of the hearing to 25 abutters. Mr. Ready asked if a background check had been done on Mr. Yannakopoulos and was told No, since he is not the manager. Mr. Yannakopoulos has been in the restaurant business for the last 3 years, with Gourmet Express in Westford and CIRO'S in Nashua.
No one present spoke in favor of the application. **Tricia Terescho, 163 Concord Road** said that employees and customers are parking on Sonora Drive, and that she was not notified of a hearing prior to the expansion, although she was notified of tonight's hearing.
Connie Mansfield, 4 Sonora Drive, said she is also concerned about the parking, that Sonora Drive and Concord Road is a blind corner and people have to drive in the middle of the road due to employees cars being parked along the road. Atty. Shanahan said that this was temporary, during the holidays, that employees were told to park in the lot at the rear of the building and there had been 2 dumpsters there during expansion.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that we approve the expansion of the premises with the stipulation that employees and customers don't park on Sonora Drive.
Chester and Betty Russell spoke, stating that they own land behind the restaurant that is now woodlands but might eventually be developed, and their feeling about the granting of the full liquor license is that it won't add to the attractiveness of their land.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the 50% stock transfer to George Yannakopoulos. Following the Board's policy the application for a full liquor license will be voted on at the next meeting.

At 7:35 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to **adjourn to the Special Town Meeting.**

For the Board of Selectmen, by
Judith E. Carter

Regular meeting of the Board of Selectmen held Wednesday, January 23, 1991. Members present were: Ms. Towle. Mr. Ready, Mr. Emerson and Mr. Blomgren. Mr. Johnson was away on business. Town Manager Bernard Lynch was also present.

During the Open Session Norma VonFricken, 255 North Raod, addressed the Board with various ideas she has on improving life in the community. Ms. Towle suggested that she also present her ideas to the School Committee.

Ms. Towle then read a prepared speech on running for re-elction, stating that after 12 years on the Board she is not seeking re-election, that she wants to give 100% to her upcoming marriage and also give some volunteer time to the Persian Gulf war effort. Mr. Ready said he is caught by surprise - that he has never sat on a Board without her. Mr. Emerson said he feels she has made a significant contribution to the Board and the Town, and that he has run concurrently with her on several occasions. Mr. Blomgren said that he really appreciates Ms. Towle's efforts, and wishes her all the best.

Motion by Mr. Ready, seconded by Mr. Emerson unan. to approve the minutes of the January 11th meeting.

Certificates of Appreciation were presented to:

1. Anthony Ferreira - 37 years as Sealer of Weights and Measures

2. Jack Hadley - member of the Fire Department for 31 years

3. Richard Lahue - member of the Historic Dsitrict Commission for 15 years. Mr. Emerson read a list of Mr. Lahue's contibutions to the Town, including acting as Clerk of the Works on the restoration of the Old Town Hall.

There were no Board reports.

The Town Manager reported:

1. Snow and Ice Update - we are half way through the winter and $190,000 has been spent. We have implemented designated planned routes, checking the performance of contractors, utilizing all DPW employees, prioritization, minimizing the use of salt and trying to keep the cost to the appropriation of $350,000. The cost of keeping the roads clear to the average taxpayer is $30.00 per year. They try to keep the roads passable, and the last plowing is usually as the storm ends. Board members asked questions and made comments. Mr. Emerson said he will give the DPW and crew a chance to do better, and Mr. Blomgren asked how to get action after hours. Mr. Lynch said to call 250-5272 and if no one is there, to call the Police Dispatcher. Salt and sand is

stockpiled at the McCarthy School for residents use. Sidewalk plowing is a priority in the area of the schools, and then at key intersections.

A Public Hearing was held on the transfer of the All Alcoholic License at 313 Littleton Road from Mei Li Garden to BumbleBee's. Attorney Joseph Shanahan represented JDJS Inc, and Grover SooHool owner of Mei Li Garden and also the Mai Kai. He said that the restaurant had closed on January 7, and Mr. SooHoo wants to transfer the License to George Whitman and Robert Heroux, d/b/a CAM Corp. He presented an affidavit of service of notice to abutters, although it is not necessary by law for a transfer. Atorney Shanahan gave Mr. Whitman's background, and said that BumbleBee's will have a menu similar to the Ground Round although not a chain, and will keep the same floor plan and hours as Mei Li Garden, with only a service bar. Ms, Towle asked about #17 on the applciation, and asked why there was no background check on Mr. Heroux, since it indicated that he has a record. Atty. Shanahan said that he is not serving as Manager, and that as noted on the application he had violations as a disorderly person in 1970 and OUI in 1984. Mr. Heroux's background was accepted by the ABCC for a license in Tyngsboro.
Atty. Shanahan again stated that the hours will be 11 am - 11 pm, and that they want a family restaurant with a service bar, not a lounge. Mr. Whitman said that he wants to open in mid February, with or without a liquor license.
Motion by Mr. Ready to table the vote until the February 4th meeting. Mr. Shanahan said that it has not been the policy of the Board to place a Hold on a transfer, that to get processed by the ABCC now takes 6 -12 weeks, that Mr. SooHoo is in financial difficulty and is asking for a vote now. Mr. Emerson said he is ready to vote tonight, but Mr. Blomgren said he wants a Criminal History Systems Board report on Mr. Heroux and that he is concerned that Mr. Whitman has managed lounge-type restaurants and is afraid that BumbleBee's will turn into that type. Mr. Shanahan said he has only received 2 phone calls from neighbors and they were not in opposition. Attorney Joseph Holmes, representing Messrs. Whitman and Heroux, said that his clients would only consider a family style restaurant.
Mr. Blomgen seconded Mr. Ready's motion to table, and the vote was 4 in favor.
Attorney Shanahan commented that the Board is putting an unnecessary financial burden on Mr. SooHoo, and it was also the Board's fault that he didn't get his liquoir license for the first 6 months he was open.
Mr. Ready moved that as part of the licensing policy on transfers that we include as part of the package a copy of the minutes of the meeting when the original license was granted, seconded by Mr. Blomgren, unan. Mr. Blomgren said he wants a standard punchlist of documents for licenses, and Mr. Ready said he thinks we need a Work Session on liquor licenses.

The Board then held a second **Public Hearing** on the application of **North Chelmsford Auto Parts for the renewal of their Class III Auto Dealer's license.** Attorney James Geary represented Charles D' Angelo, owner and Raymond Bowman, Manager. Mr. D' Angelo claims that there is no other use for the property since it is in a commercial zone. Attorney Geary then answered the charges of Mr. and Mrs. Michael Sweeney, abutters to the Sleeper Street property: 1. a change in access from Butterfield Street to Sleeper Street - it has always been this way, that they use Butterfield Street for small vehicles and Sleeper Street for 5 tons or more, and keep the gate locked; 2. oil spillage - there was one spillage which was cleaned up immediately; 3. oil on site - is inevitable. The property was investigated by the state DEP, who ordered strict control over the disposal of waste oil. The oil is now taken by licensed transporters in a 55 gallon drum every month to a licensed facility in Brockton. Atty. Geary said that they have had an on site inspection by the Building Inspector, Board of Health and Town Counsel. He added that there was no indication of contamination when the sewer easement was dug, but they will install a gas/oil trap on a concrete pad with berm around it. Mr. Emerson asked if they have a written report from the State and Mr. Geary said No, but they can give the Board a log book of the disposal of the waste oil.
Motion by Mr. Ready, seconded by Mr. Emerson, to **adjourn to Executive Session to discuss litigation with Town Counsel.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

At 8:45 pm the Board **returned to Open Meeting and reopened the Public Hearing.** Town Counsel James Harrington recommended that the Board grant a conditional license on the property, with the 5 conditions listed in his letter to the Board dated January 23, 1991, adding a sixth condition that the Sleeper Street entrance be limited to the delivery or pickup of vehicles more than 5 tons, and be inside the fence within 10 minutes of arrival.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to grant the Class III license with all the existing conditions and the new conditions outlined by Town Counsel. Mr. Sweeney asked for the test results and was told he could get them from Richard Day.

American Legion Post 313 was present requesting that Donald Quebec be appointed **Manager** to replace Ronald LaVie. Mr. Quebec gave his background and said that he works full time at the IRS. He will go in in the morning, check the receipts and inventory, do the payroll and schedule work hours.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the **change in manager.**

Members of the **Handicapped Commission** were present to discuss policy. Ralph Hickey said he would like the Town to adopt the policy regarding handicapped accessibility on the transfer or issuance of any Common Victualer license in the Town, and make it a condition that they follow the state rules. Ms. Towle read the policy of the Town of Dennis. Mr. Hickey said several towns have adopted this policy, and the Town Manager will check with the Town of Dennis to see if there have been any problems in implementing it.
Mr. Emerson asked for a **Personal Hold** on this matter until the next meeting, stating that he wants to review the policy.
Mr. Hickey said that the President has a stronger policy that the Town will have to implement in the future.
Mr. Blomgren asked Mr. Hickey to give Mr. Lynch a list of 3 - 4 towns with this policy and Mr.Lynch will check for their success, and have Mr. Lynch check the last 3 - 4 licenses granted and have Mr. Hickey check on what impact the policy would have had on them.

Under **Unfinished Business** the Board voted on the application of CIRO'S for an All Alcoholic license. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve the All Alcoholic license requested by CIRO'S.** Motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjust the fee since they have already paid for a Beer and Wine license.

Mr. Lynch then continued with his **reports.** On the **Bank Investments** report, Finance Director James Doukszewicz explained that BayBank and Boston Safe Deposit hold the Town's largest funds, which we monitor closely. He said that as a municipality we don't go for the highest yield to sacrifice safety. The Treasurer/Collector Association has put forth legislation for 3 years that banks that want municipal funds must have a fully collateralized fund. He said that on the collection rate on taxes, 92% was in on the due date, which is a decline of 2 - 3% from the prior year, and that most delinquencies are commercial/industrial, not residential.

On the **Lowell Sewer bill**, Mr. Lynch said that a $1.9 mil bill was sent to the Town from Lowell, and the bill was unexpected. We met with Lowell and the Twon has many objections to this bill. The sewer engineers, Finance Director, two other communities involved and legal counsel are all working on this, and the Town will fight much of the bill.

On **Streetlight** charges, by making changes we will save $13,000 per yeaer in the FY92 buget. We are looking at a shortfall of app. $3 mil with a level service budget. Mass. Municipal is talking with the Governor and Beacon Hill regarding Question 5, and the word is that we will be lucky to get level funding from the State.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve Voter Registration hours** as requested by the Town Clerk.

Under **Town Manager Appointments** Mr. Lynch said he has appointed Robert LaPorte, currently an alternate, and Stephen Stowell, an architectural historian, to the **Historic District Commission.** He has received a letter of resignation from Perry Richardson, so we now have vacancies for 1 regular and 2 alternate members.

Under **New Business Mr. Ready** said that we want to **support the troops in the Persian Gulf** and asked anyone who knows of any Chelmsford resident serving in Operation Desert Storm to let us know their name and address and we will send a letter of support from the Town.

Mr. Blomgren commented on the budget process, saying that we need alternative solutions for trash and recycling, that we will have to alter our services on bulk and leaf collections, and that we should also look at collective bargaining. Mr. Lynch said he has suggested holding Work Sessions in February for policy,, etc. He is discussing the funding of recycling with the Solid Waste Advisory Committee, and the Board can discuss collective bargaining in Work Sessions in Executive Session. We have to look at consolidation of services, personnel, etc. and the time is right for consolidation with the School Department, even possibly facilities. It was announced that the School Committee wants to meet with the Board, Finance Committee and Town Manager next Tuesday.
Mr. Blomgren said that the memo about tonight's meeting sent out by Mr. Lynch was very helpful.

Ms. Towle asked that her registration for the Mass. Municipal conference be cancelled, since she is not running for another term.

At 10:00 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn the meeting.

For the Board of Selectmen, by

Regular meeting of the Board of Selectmen held Monday, February 4, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Tom Welch, 56 Crooked Spring Road, addressed the Board on the subject of the Lamplighter Green decision, which was in favor of the developer. He said he is still concerned about the safety of the drinking water and questioned Secretary DeVillars' commitment to reviewing the EIR. He said that the Housing Appeals Committee is a rubber stamp committee, and he feels the judge used questionable sources. He is appearing tonight as a concerned citizen, and is not asking the Board to go forward with another appeal but is asking them to still show concerned opposition to the project. He asked the Board to draft a letter to Governor Weld and our Senator and Rep. giving the history of the project and the Town's reasons for opposing it. Mr. Welch then thanked the Board for their continuing support over the last 3 years.

Chairman Towle called the meeting to order at 7:30 p.m.

Donna Johnson, President of Friends of the Senior Center Inc. addressed the Board, stating that the Friends was formed 10 years ago to help obtain funds for building a new center. She said that Mr. Eric Brigham died recently and left a large sum of money to the Seniors. The money is in an account at Shawmut Bank, and only the interest can be used. $36,000 per year is owed to the Town on the new Center and the interest will be used to help fund their building and give money back to the Town.

Under Reports Mr. Ready said that last Tuesday he and Chairman Towle met with the School Committee and Finance Committee to disc uss budgets and a possible override. Departments were asked for 2 budgets - 1 level funded and 1 level service. They will meet again and talk about a level service budget. The Board won't support an override unless Town Meeting approves and they feel the people would like a menu-type approach. Ms. Towle said that the next joint meeting will be March 12th at the Parker School.

At 7:35 pm George Gagan, New England Telephone Company, addressed the Board with petitions for placing buried cable on formerly private ways, which have now been accepted by the Town. All the work has been done, and there is no hearing required. The purpose is just to update the Town's records. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the cable on Shedd Lane, Thomas William Way, Moore Steet and Sears Lane.

Under Reports, Mr Ready said that at the last meeting he had asked for the addresses of servicemen in Operation Desert Storm. He read the names that the office has received so far and said

that the Board will send letters to them showing the Town's support. Mr. Blomgren asked anyone participating in the support March on Saturday to send in any extra pictures if they have them. Mr. Emerson said he wants to thank Mike Kinney for an exceptional job in organizing the march, and also the Elks, Emblem Club and Merrimack Valley Vietnam Vets. He and Mr. Blomgren marched from the Common to the Town Offices, and Mr. Blomgren said it was a moving experience.

Under **Town Manager Reports Mr. Lynch** said that on the **Lamplighter** Green matter the court has ruled to uphold the Housing Appeals Committee and let the development go forward. Ms. Towle asked about funding and Mr. Lynch said he is not sure of the status of HOP funds - he understands the Governor may be eliminating these funds.
Mr. Blomgren said that Tom Welch had asked that the Town Manager send a letter to the Governor, Senator and Representative, and moved to do so, seconded by Mr. Emerson. Mr. Ready said No, this strategy is not in the best interests of the Town and doesn't work. Mr. Johnson said he is opposed because the case was heard and the ruling was in favor of the developer. The Town had a moral obligation to pursue the appeal but now the developer should work with the State, not the Town. He added that you win some and lose some. Mr. Emerson said he feels we should send the letter to set the record straight with the new administration. The vote was 3 in favor of the letter (Ms. Towle,, Mr. Emerson and Mr. Blomgren), and 2 opposed (Mr. Ready and Mr. Johnson). Mr. Johnson said that he wants the Town to have no further role in this project.

Peter Frassica, Sun Total Systems, was present to request the **transfer of the Class II Auto Dealer's license from 6 Wesley Street to 10 Wesley Street.** The license is now under the name of Renee Dyer, who went out of business the first of the year. She didn't renew the license at the end of the year so this is basically an application for a new license. Her license was restricted to 10 vehicles and he wants it to supplement his body shop business. Under the previous license at 6 Wesley Street there were rental trucks there but these are not allowed. Mr. Emerson asked if he planned to do anything other than sell used cars and Mr. Frassica said that he now has the rental trucks at #10. Ms. Dyer still owns #6 and he has been at #10 for 6 years as an Auto Body Shop.
Mr. Emerson said he thinks the license should be for 5 vehicles for sale, not 10. Mr. Blomgren asked to have the Building Inspector inspect and endorse this application.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve subject to a report(zoning, signage, etc.) from the Building Inspector for 5 cars at 10 Wesley Street and subject to the payment of all taxes.
Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. that the Town Manager put together the same punch list for Auto Dealer's licenses as for alcoholic licenses. Mr. Ready asked that if a transfer that minutes of the meeting granting the original license be included.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the transfer of the All Alcoholic License at 313 Littleton Road from Mei Li Garden to BumbleBee's.

Under **Unfinished Business** Mr. Emerson asked to take the Handicapped Accessibility policy off Hold and said he wants to remove a few words from the Town of Dennis policy. Ms. Towle suggested putting it back on Hold until we have more information.

The **Town Manager** reported under **Contract Awards** that he has awarded Care Ambulance the Town's service for the next 3 eyars, that we received 2 bids and theirs was the lowest at 0 dollars for 3 years. Frontline bid $60,000 for the first year. He checked references and Care has given good service.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that the Board approve this award.

Undr **New Business** Mr. Ready said he has received inquiries why we haven't put the Center flags out more often and asked the Town Manager to look into it.

Mr. Ready asked about **Question 5** (to raise Local Aid to 40%) and Mr. Lynch read the Mass. Municipal Resolution. He said that the MMA is also recommending that an article be placed on the ATM warrant. Mr. Johnson said he has a problem with this scenario - it is easy to let the State share the pain, but government can't fund local aid without decimating other areas, and the Town must suffer pain, too. Mr. Ready said we have been taking the pain and he would rather see more cuts at the State level.
Motion by Mr. Ready, seconded by Mr. Blomgren, to adopt the resolution as recommended by the Town Manager. Vote was 3 in favor, 2 opposed (Mr. Johnson and Mr. Emerson).

Under **New Business** Mr. Emerson said that during Open Session at the next meeting on February 25th he would like to have all candidates for the Board of Selectmen be invited attend the meeting to introduce themselves and speak for 2 minutes. There would be no questions and this would serve as a preview to Candidate's Night. LWV President Phyllis Elias thinks it is a good idea. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to do so.

Under **New Business** Mr. Blomgren said that he feels the notices to snowplow contractors re their performance is an excellent position for the Town to be taking, and complimented Mr. Lynch and Jim Pearson.
Mr. Blomgren then commented on the media coverage of Operation Desert Storm and asked if the Board wanted to express their concerns regarding the CNN coverage - he is outraged that it is so one-sided (Iranian). Mr. Emerson said if we do, also send the

letter to our Senators and Congressman. Ms. Towle said she is performinig her own private boycott of CNN, and Mr. Johnson said he feels freedom of the press is being carried to extremes. Mr. Blomgren said he feels the networks are trying to polarize us, and that Boards like us need to speak out and ask our sister communities to join us. The Chairman asked Mr. Blomgren to draft a letter for the Board's signatures.

At 8:25 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, February 25, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

The Board of Selectmen had sent invitations to the 8 **candidates for the office of Board of Selectmen to attend the Open Session** and briefly address the Board. Six out of the eight were present. Names were drawn in the following order by Chairman Towle, and each candidate was allowed to speak for 2 minutes: Peter Lawlor, Rose Sergi, William Logan, Barry Balan, Ronald Wetmore and Richard DeFreitas. Ms. Towle read a letter from Joseph Erbacher declining the invitation and no response was received from Matthew Whiting.
LWV President Phyllis Elias was present and invited all the candidates to attend Candidates Night on March 25th at 7:00 pm at the Senior Center.
Steve Abbott from the Chelmsford Businessmen's Association was also present and invited all candidates to attend the Businessmen's Candidates Night on March 12th at the Banqueteer, and he was told that this is also the night for the School Comm., FinComm and BOS to meet together.
At 7:15 pm the Board recessed until the start of the formal meeting at 7:30 pm.

Chairman Towle **called the meeting to order** at 7:30 pm.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the minutes** of the meetings of January 23rd (Regular and Executive Sessions) and February 4, 1991.

Mr. Ready reported that we are sending **letters to** 10 more **servicemen from Chelmsford serving in Operation Desert Storm.** He read their names and asked the public to let us know of any other Chelmsford servicemen serving in the Persian Gulf.

Ms. Towle reported that there was a Support Rally held on Saturday, initiated by the Merrimack Valley Vietnam Vets, who also have started an Operation Desert Support Center at the Old Town Hall. Ms. Towle read excerpts from a letter received from one of her nephews serving in the Gulf, and he said that letters are so important for morale.
Mr. Ready added that the servicemen's families really appreciate the Support Rallies.

Mr. Johnson reported that as a cost-saving measure some other Towns ask residents to clear the sidewalks in front of their own homes, and asked the Town Manager to find out the direct cost of sidewalk plowing.

Mr. Emerson then read a **Resolution** he had drafted requesting tht the Board adopt the policy of no pay raises for any Town Employee during FY92, and moved that the Board adopt the resolution, seconded by Mr. Johnson. He compared a recession with a depression and said that in this economy many people are not as concerned with getting raises as they are with keeping their jobs.
Mr. Ready asked what about contractual agreements and Mr. Emerson said he hopes the Town Manager can negotiate with each union. The resolution opposes any type of raise - union contracts, step raises, anything that is an increase in the rate of compensation. Mr. Ready said he can support it if it is an across the board situation. Mr. Emerson said if this is implemented across the board it would mean a savings well in excess of $1 million, and it is up to the Town Manager to implement it where he can. Mr. Johnson said we should take the same steps that businesses take, Ms. Towle said that even a pay cut is better than no pay check, and Mr. Emerson said that his resolution does not suggest pay cuts, just no raises.
The vote to adopt the resolution was unanimous.

No one was present for the **Public Hearing on Juliano's Pizza** application for a Common Victualer's license.

Mr. Emerson reported that the roadway on the railroad bridge on Princeton Street near The Mill is in bad shape and asked who is responsible for its upkeep. Mr. Ready said that the road was repaired after sewerage went in, but not the bridge. Mr. Emerson asked that it be investigated to determine who should repair it.

Mr. Blomgren asked that a letter be sent to Vincent Cicerchia regarding **parking in the streets around Vincenzo's and CIRO's** since it was a condition on their license that this not be allowed Ms. Towle said that she was there on a Saturday evening and they had a parking director. A letter will be sent reminding Mr. Cicerchia of the condition.

Ms. Towle asked the Town Manager to check on the flags in the Center to find out why they were not put out last Saturday for the Support Rally.

Under **Other Business**, motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the posting of a 15 MPH speed limit on school property.**

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve a 1-day All Alcoholic license for St. John's Church.**

Chairman Towle read a **letter from Director of Public Health Richard Day,** who had been asked to attend the meeting. His report said that on the **Lowell Landfill** he will check with the Lowell Health Dept. and the Dept. of Environmental Protection. The attachment was not included in his report on **Frequency Sources.** Mr. Blomgren asked if property owners abutting the Lowell Landfill could ask for testing for methane gas, and Mr. Emersons said that Lowell is putting the burden of proof on the property owners. He added that the investigation is still going on and we will be hearing more about it.

The **Town Manager reported** that Laidlaw has submitted a new recycling proposal and they will now be taking all colored plastics. We will be getting this information out to the residents. Laidlaw haw also instituted a school recycling program, and want to expand the program in other areas.

Town Clerk Mary St. Hilaire was present to ask the Board to set the hours for the April Town Election. She said that State law says we have to open by 12 noon and stay open until 8:00 pm. She told the Board that there is a savings of $1500 by opening at 10:00 am instead of 7:00, and a savings of app. $400 per hour after that. She is recommending the polls be open from 12 noon to 8:00 pm, and noted that anyone can get an absentee ballot to vote prior to April 2nd.
Motion by Mr. Emerson, seconded by Mr. Ready, unan. to set the **polling hours on April 2nd from 12 noon - 8:00 pm.**

Under **Town Manager Appointments** Mr. Lynch asked the Board to review the list he has prepared, stating that he has examined attendance and checked with the chairman of each committee and has also asked each committee for their strengths and weaknesses. Mr. Ready said he feels that the Town Manager should appoint operating boards and the Board of Selectmen should appoint policy setting advisory boards. Mr. Johnson suggested that Mr. Ready and Mr. Lynch go over the list of appointments and determine who should appoint what committees.
Motion by Mr. Johnson, seconded by Mr. Ready, unan. that the Board approve the list of appointments as submitted by the Town Manager.
Ms. Towle asked Mr. Lynch about the flags in the Center and he said that he thought Mike Kinney was going to have them put up. He said that Mr. Kinney is also looking at the type of flags that are mounted on telephone poles.

At 8:05 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Idde E. Carle

Meeting of the Board of Selectmen held Monday, March 4, 1991. **Members present** were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch, Town Manager, was also present.

At 7:05 pm motion by Mr. Ready, seconded by Mr. Johnson, to **adjourn to Executive Session to discuss pending litigation.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

The Board **returned to Open Session** at 7:50 p.m.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to adopt the accounting practice for the Town Manager/Selectmen's Office of purchasing a stamp saying "For Deposit Only - Town of Chelmsford" to be stamped on the back of all checks received in the office and to purchase an account book to record the date, from whom, purpose and amount for all checks and cash received in the office.

At 7:55 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by
Judith E. Carter

Meeting of the Board of Selectmen held Tuesday, March 19, 1991 at 7:00 pm. **Members present** were: Ms. Towle, Mr. Emerson and Mr. Blomgren. Mr. Ready and Mr. Johnson were out of Town.

Motion by Mr. Emerson, seconded by Mr. Johnson, to **adjourn to Executive Session to discuss pending litigation.** Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgen-Aye; Ms. Towle-, Aye.

The Board **returned to Open Session** at 8:05 pm.

Motion by Mr. Emerson, seconded by Mr. Blomgren, to **adjourn to Executive Session to discuss the reputation, character, physical condition or mental health of an individual.** Roll Call vote was as follows: Mr. Emerson-Aye; Mr. Blomgren-Aye; Ms. Towle-Aye.

The Board **returned to Open Session** at 8:55 pm.

Motion by Mr. Blomgren that the Board will not approve reimbursement for lunches or parties, etc. and will establish an impressed account not to exceed $100.00, with any amount over $100 to be cashed in and receipts kept.

At 9:00 pm motion by Mr. Emerson, seconded by Mr. Blomgren, unan. to adjourn.

For the Board of Selectmen, by
Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, March 11, 1991 at 7:00 p.m. at the Senior Center. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Attorney Joseph Shanahan was present to tell the Board about a "unique situation" - his client JDJS Inc. is selling their licenses to CAM Corp. This was approved by the Board on February 4th but the package is still at the ABCC. The contract to sell the license was contingent upon ABCC approval, and as he wrote to the Board on Feb. 27th selling without their approval would be violating the contract. CAM Corp. has asked for a transfer of the Common Victualer license and was told no, that they could apply on their own. On March 5th Mr. Shanahan sent a letter to CAM's attorney stating that the restaurant license could not be transferred without ABCC approval. He has learned that BumBleBee's had opened Thursday afternoon and was written up in the Lowell Sun on Saturday. JDJS did not tranfer it's license so they opened without a license. They have the right to apply for a new license but can't operate under a transferred license because no license has been transferred. Mr. Ready recommended referring the matter to the Building Inspector, and Mr. Shanahan said that his client has no part of this operation, that they have no license to serve food or liquor and don't have his client's license.

At 7:15 pm the Board recessed until 7:30 pm. Chairman Towle called the meeting to order at 7:30 pm.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the minutes of February 25th and March 4th.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to proclaim the week of March 18th as Camp Fire Birthday Week. Members of Camp Fire were present to accept the proclamation.

At 7:35 pm the Board met with George Scarmeas who is requesting permission to store an unregistered vechicle on the premises at 15 Jensen Street. Mr. Scarmeas told the Board that he has a 1972 Porsche that he is trying to sell and wants to store the car on the property until it is sold. Motion by Mr. Johnson, seconded by Mr. Emerson for discussion, to amend the motion to state that permission is granted for one year only. Motion passed unanimously.

Under New Business Mr. Emerson suggested that the Town of Chelmsford designate July 4, 1991 as official Welcome Home Day to welcome home troops from the Persian Gulf. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to have Welcome Home as the official theme of this year's Fourth of July Celebration.

At 7:40 pm Attorney James Geary met with the Board requesting a transfer of a Common Victualer license at 257 Littleton Road. Atty. Geary represented the Vrouhas family and said that they have been there for 16 years and have recently renovated the restaurant. They will have the same type of menu as P J's Kitchen, whose owner vacated the premises and broke his lease so he cannot participate in the transfer. Hours are 6 am - 9 pm seven days a week. Mr. Ready said he would rather issue a new license for the One Ten Restaurant and moved to do so, seconded by Mr. Johnson. He then said he would consider a temporary license for 60 days and advertise for a Public Hearing, seconded by Mr. Johnson, unan.

The Town Manager said that he has appointed Dr. Paul Canniff, 8 Westford Street, and Bruce Foucar, 8 Bentley Lane, as alternates to the Historic District Commission. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve these appointments.

Mr. Ready then referred to the meeting with Atty. Shanahan during the Open Session. He moved, seconded by Mr. Johnson, to grant BumBleBee's a temporary Common Victualer license for 60 days, or until the transfer is approved by the ABCC. Vote was 3 in favor, 2 opposed (Ms. Towle and Mr. Blomgren, who felt it would be precedent setting). Mr. Ready said he assumed the Common Victualer license transfer was approved by the Board when they approved the transfer of the All Alcoholic Common Victualer license. Mr. Johnson said he concurs with Mr. Ready and said that CAM Corp. knows they can't serve liquor until they receive ABCC approval. Mr. Emerson said he also assumed that the Common Victualer license was transferred. The Board stated that there were ambiguities on both sides.

AT 7:50 pm Edward Casey, Jr. was present with a petition to replace Deborah Peachey as Food and Beverages Manager at The Courthouse. Mr. Casey has had 16 years experience in the business, and the operation will be basically the same, with the same hours, etc. His reponsibilities will include hiring and firing of employees, costing of food and beverages, etc. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve the change in manager.

Under New Business, Mr. Ready asked that the CHS Boys Swim Team be invited to attend the next meeting to receive Certificates of Appreciation for coming in second in the State finals.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. that all expense monies charged to the HUD account in the future be reviewed by Town Counsel due to the subpoenaing of records and while the FBI investigation is ongoing. Mr. Johnson said he questions the necessity but seconded the motion.

Town Manager Lynch then passed out 2 budget books to each BOS member, department heads and members of the audience and press. He went over the budget narrative in detail, noting changes in each department budget.

Finance Director James Doukszewicz was present and explained the health insurance policy, stating that 65% of the total number of eligible Town employees take advantage of joining a health insurance plan through the Town.

Mr Blomgren said he wants copies of any documents that allowed the motor vehicle insurance policy to be paid twice, and also asked for a worksheet showing the typical homeowner's property tax.

Re-evaluation and Classification were discussed, and it was noted that re-val will show on the February 92 tax bill, and indicate the fair market value as of January 1, 1991.

Under New Business Mr. Ready read the names of 4 more Chelmsford servicemen serving in Operation Desert Storm, stating that the Board will send a letter of encouragement to each of them.

Mr. Ready said he wants to channel energy in a positive manner and do something at the grass roots level. He stated that Chelmsford has a good location as far as business goes, and asked what can we do to attract more tenants to vacant areas. He recommended forming a Chelmsford Coalition for Progress and invite business and industry leaders to help stimulate the economy. Mr. Emerson said he is pessimistic as to what they could accomplish. Mr. Ready said again he wants something to stimulate positive energy, and Mr. Johnson suggested inviting leaders of the Chelmsford Business Association to a future meeting of the Board.

Mr. Blomgren asked Mr. Lynch for a summary of budget proposals indicating changes, etc.

At 9:15 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cantara

91 03 24 11:18

91 MAR 24 AM 11:48

Regular meeting of the Board of Selectmen held Tuesday, March 26, 1991. Members present were: Ms. Towle, Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the **Open Session Dorothy Crear, owner of Innovations Hair Salon** at Drum Hill, met with the Board and said she would like to open on Sundays but when she called the State House she was told that it is up to the discretion of the Police Chief. The Chief told her that a business couldn't open as a service without a permit but retail establishments can open. The Police Chief follows strict rules when issuing a permit. Ms. Crear said that her shop is situated on the border with competition from New Hampshire and Lowell, where shops are open on Sundays.
Motion by Mr Ready that we explore this as a policy with the Chief. Mr. Emerson asked if the Chief denied her permit and he told her he never issues permits. She can't afford to lose that 5% on Sundays. Mr. Lynch said he will send a memo to the Chief tomorrow asking for his criteria and stating that the Board wants to encourage business. Mr. Blomgren said that we could ask the Police Chief to let her open this Sunday, as a test case and ask if this stimulates enterprise. Mr. Emerson said that this is not an emergency situation and we don't need to take shortcuts. Mr. Blomgren said he wants to use this as a test case, and Mr. Johnson said we should ask the Chief to expedite this.

George Simonian and Bob Gagnon were present representing the **CHS Alumni Association.** They said that the Association has over 1100 members and are going to initiate an Alumni Association Hall of Fame, with a ceremony at the Radisson in April. Mr. Simonian read the names of those being inducted at this first ceremony and said that they want to perpetuate it for years to come. Mr. Gagnon said that the Hall of Fame is for any alumnus, not just athletes, who have found fame either in or out of school. Mr. Simonian said they want the Board's support and asked them to buy tickets and attend the ceremony.

At 7:15 pm the Board met with **Moderator Dennis McHugh** and the **School Committee** to appoint the Town's rep. to the **Nashoba Valley Technical School District Committee.** Ms. Towle nominated **Stratos Dukakis, the incumbent**, seconded by Wendy Marcks. All BOS members voted Aye, as did School Committee members W. Marcks, B. Ward, J. Mallette , C. Olsson and M. Franz. Mr. McHugh then turned the Chair back to Chairman Towle.

At 7:20 pm the **Board met with Town Accountant Lorraine Leone.** Mr. Blomgren had asked for the meeting and said that articles in the newspapers have raised issues about the Accounting Department although he knows that most of the items referred to happened before Ms. Leone took over as Town Accountant last October. Mr. Blomgren handed out three schedules - Schedule 1 being Suggested Improvements. He went over this list with Ms. Leone, reading her Job Description dated 1981, and she agreed that this could use updating. Items 10 and 11 (reimbursement of personal expenditures and quarterly listing of all accounts reveivable) were questioned, and Mr. Ready said he would like to add one item - to improve the computer system. He had said on Cable TV that the system was antiquated, and he meant the computer system, not the accounting system, and he asked her to suggest software and hardware systems that she would recommend.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. that we accept the list of suggested improvements as amended and ask Ms. Leone to come back in a month.

Motion Mr. Ready, seconded by Mr. Johnson, unan. that we send a **letter to the Police Chief** telling him that the Board is concerned about the competetiveness of not issuing licenses to service businesses on Sunday afternoons and asking him to work with the Town Manager on developing a policy on how to handle this.
Mr. Blomgren recommended that Innovations be allowed to operate on a trial basis and ask Ms. Crear to report back on the impact on her business.

At 7:30 pm members of the **CHS Boys' Swim Team were present to receive Certificates of Appreciation.** Coach Al Thomas read the names of the boys and said that the Team was second in the State finals after Acton-Boxboro and are Merrimack Valley Champions. He mentioned that 4 boys are not present tonight because they are at the Junior Olympics in Buffalo, New York. Coach Thomas thanked the Town for their continued support.

Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **approve the minutes of the March 19th Executive Session.**

Ms. Towle then said that she would like to make some closing comments at the end of her 12 years in office. The past few months in Chelmsford have been hard to understand and she doesn't like nameless allegations. On Cable 6 tonight the document she produced was a payment of bail form for Jack McDermott, paid by Rose Sergi. Ms. Towle said that public officials must be of high moral character and that Mr. McDermott was a purported underworld figure murdered by another alleged underworld figure. Since integrity is a key component of a public official, the voters should know as much about any person who seeks to hold this position as is available.

Mr. Emerson said he believes that **James McBride** should be removed as an appointed member of the Conservation Commission, stating that he is a menace to the credibility of the Town of Chelmsford government and that he has had many possible conflicts of interest. He further said that never before has an appointed official brought so much turmoil to the Town and he moves that the Board advise the Town Manager to persue all legal means available to cause the removal of James McBride from the Chelmsford Conservation Commission.
Mr. Ready said he does not feel this is within the Board's legal perview, and Mr. Blomgren said he thinks it is up to the Board to counsel the Town Manager and that with pending litigation against the Town Manager he feels we should get the advice of Counsel. Mr. Johnson said let's keep the motion but amend it subject to review by counsel. Mr. Emerson said that since Town Counsel has withdrawn from this case we will have to appoint independent counsel, and he will change the word "instruct" to "advise". Mr. Ready said that we can't make assumptions that Mr. McBride is involved in the investigation, that it is all supposition and a game at this point.
Mr. Johnson seconded Mr. Emerson's motion to advise the Town Manager to have him removed. Vote was 3 in favor, 2 opposed (Mr. Ready and Mr. Blomgren).

Mr. Johnson then passed out copies and read a motion asking the Board to take a **stand on their confidence in Bernie Lynch as Town Manager**. He said that the charges against him are nothing short of character assasination and the Town has existed for 336 years without negative politicking and we shouldn't begin now. Mr. Lynch is a professional in his field and we should take a stand because this is the last meeting where the 5 BOS members who appointed Mr. Lynch as Town Manager will be sitting members. Mr. Ready seconded the motion for discussion, stating that he concurs with Mr. Johnson's motion, and Mr. Emerson said that Mr. Lynch is the best Town Manager he knows.
Mr. Blomgren said he takes exception, that he feels the motion is premature, and that all Board members have expressed support for him both publicly and privately. Mr. Ready said he wants to be able to have honest, open discussion on the budget without being construed as attacking the manager. Mr. Johnson said we are putting an undue burden on the two new members to be elected and we should make a stand tonight. Mr. Blomgren said that he doesn't think the motion is needed now.
Vote on Mr. Johnson's motion was 4 in favor, 1 opposed (Mr. Blomgren).

A Public Hearing was held on the application of Juliano's Pizza, 67 Middlesex Street, for a Common Victualer license. Philip Arnone was present and told the Board that they have been in business for a couple of months selling pizzas, and they deliver within a 3 - 4 mile radius. His brother-in-law and partner have 3 - 5 years experience in the business. The hours requested are 11 am - 10 pm Monday thru Thursday, 11 am - 11 pm Friday and Saturday and 12 noon - 10 pm Sundays. No one present spoke in favor of or opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.

Attorney James Geary was present for a Public Hearing on the application of the Vrouhas' family's One Ten Restaurant, 257 Littleton Road for a Common Victualer's license. He presented the return receipts and stated that the floor plan and details of the operation were presented at the last meeting. No one present spoke in favor of or opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve.
Attorney Geary said he wanted to commend Ms. Towle and Mr. Emerson for their years of service to the Community.

A Public Hearing was held on the application of Dianna Rasimowicz, Manager of Village Square Convenience Store, for a Common Victualer's license. They only make coffee on the premises, and do not prepare sandwiches or food at this time. No one present spoke in favor of or in opposition to this application.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to approve this license.

Under Reports, Mr. Ready presented a plaque to outoing Chairman Towle, noting that this is not a new plaque but one she had received for her first term as Chairman and in the interests of economy, she had asked to have it engraved with the new dates. Mr. Ready said that he has sat with Ms. Towle for 11 of her 12 years on the Board and that she has been an outstanding Selectman. He also presented her with a key to the Town. Mr. Ready then stated that Mr. Emerson is also not running for re-election, after serving 8 years on the Board, and also presented him with a key and thanked him for his service.

Barbara Scavezze then updated the Board with the Solid Waste Committee's recommendations on the recycling program. She said the Committee is recommending the following:1. that an override for recycling be placed on the ballot: $186,000 for curbside and $23,500 for leaf collection; 2. that multi-family complexes be included in the program; and 3. that we start a mini- service drop-off point. The drop-off point would include: metal items, white goods, corrugated cardboard, hi-grade office paper, tires at a small fee, a "take it or leave it" area and an area for small reusable items. Costs would involve a roof on the "take it or leave it" area, a 4-hour per week part-time employee and

fencing the capped area at the landfill. If we had an expanded drop-off area we would need dumpsters and have to pay handling charges. The Committee would like to continue curbside leaf collection since dumpoing of leaves will be banned by the State at the end of the year unless they are composted. If the override doesn't pass they recommend that recycling be included in the reduced services budget, to be paid from offset receipts collected through a recycling user fee.
The Committee has an article on the warrant to make recycling mandatory, which helps the Town in receiving State grants and is also important for market development of recyclables. The State will be banning the disposal of glass, tin and aluminum in Dec. 1992 and plastics in 1994. Mr. Ready asked if the alternative budget is approved is recycling included and Mr. Lynch said it will be $203,000 more than the balanced budget. The Board said they are asking for funds in the balanced budget and Mr. Lynch said he will increase the balanced budget to include recycling. Ms. Scavezze said she talked with the Division of Local Mandates, but Mr. Ready said if we vote it mandated we will have to pay for it, but if the State mandates it under Prop. 2 1/2 they will have to fund it. Mr. Lynch will follow up on the State mandated program.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. that the Board support the recomended policy of the SWAC and ask the Town Manager to increase the line item for recycling self-funding.
Mr. Emerson said that he had not met Barbara Scavezze until a couple of years ago but he finds her the most hard-working conscientious person he has ever met, and wants to thank her on behalf of the Board and the Town.

Ms. Scavezze then said that there are 2 parts to the mandatory recycling by-law: the second part say that any private contractor must be able to recycle, or have to pay a fee to the Town for each household on his route to be able to recycle. There will be a user fee with mandatory recycling, but one bill will be sent for both trash and recycling.

She said that on leaf collections, if the override fails, we will reduce the curbside collection to 1 per year and have 2 drop-off dates. We definitely weant to keep Laughton's as a source to take leaves to.

On bulk collections we will elminate the quarterly collection. We are now picking up 35% less trash, and are picking up 85% of the households in Town. Yard waste is down so there are not the seasonal variations, and there is also more use of compactors and composting. In the bulk waste they are going to ask BFI if it would be possible to take one item per week, but if not have only 2 collections, spring and fall. They will have to raise the tag price to pay the true cost to app. $25.00 per tag.

Mr. Ready said that the Committee has done an outstanding job.

Under **Other Business**, the vote to release **Executive Session minutes** will be held until an Executive Session discussion.

Policy re Alcohol on Public Property: Mr. Lynch drafted a policy and asked for a legal review. He read the opinion from Town Counsel. Mr. Blomgren said that he is opposed - that we are opening a new area of exposure that is not needed, and the Town is left at great risk. Mr. Johnson said it is not great risk, but if persons were killed and alcohol was involved the Town would be sued even with indemnification. He feels this is best left to banquet facilities. Mr. Emerson said isn't the intent of the policy to close loopholes? and Mr. Johnson said we can tighten up the loopholes but the liability won't go away, and if we have no policy we're just saying No.
Motion by Mr. Ready, seconded by Mr. Johnson, unan. to establish a **policy** to be written that no licenses be granted to sell alcohol on Town property in view of the liability.

Under **Reports**, **Mr. Ready** said that at the Roast for Mr. Emerson the newspapers picked up a story and named Ann Lloyd as the person involved. Mr. Ready wants it clarified that Ms. Lloyd came to many Board of Selectmen's meetings in the new Town Hall, and the Board gave her a plaque and key to the Town when she sold Jack's Diner.

Mr. Ready named two additional Chelmsford servicemen seving in Desert Storm, and we will send them letters from the Board.

Ms. Towle commented that there was a rally in Town Saturday to welcome home the Whitney boys, and that it was very moving and well attended.

Mr. Johnson said that it has been a pleasure to serve on the Board with Ms. Towle and Mr. Emerson, and he hopes that their replacements will have the same type of professionalism.

Mr. Emerson read one last statement about the Lowell Landfill, stating that it is apparent that the City of Lowell is planning to expand it and that Sen. Hicks and Rep. Cleven are demanding an explanation as to why an enforcement order against the operation was not acted upon. He is asking the Board to keep after the DEP and tdhat their goal should be the closure of the Landfill. He suggested that the Board appoint a sub-committee to monitor this project when they reorganize.

Mr. Emerson also said that the Board should discuss appointing a Special Counsel to fill the areas where Mr. Harrington has withdrawn and said he would suggest Attorney Philip Nyman. He doesn't expect a lot of litigation but we should be prepared. It was suggesteed that the Board could meet with him to set an hourly fee.
Mr. Ready said we could appoint him at the rate our current Town Counsel is receiving. Motion by Mr. Ready, seconded by Mr. Johnson, unan. to appoint Mr. Nyman at our Town Counsel's rate. Ms. Towle will check with him tomorrow to see if this is agreeable to him.

Mr. Blomgren said he wishes Ms. Towle and Mr. Emerson the best of luck in their retirement from the Board and said he thinks they both made gutsy moves tonight.

Mr. Lynch said he wants to thank the Board and the public for the vote of confidence tonight, and also wanted to thank Ms. Towle and Mr. Emerson for their help over the years.

At 8:55 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to **adjourn to Executive Session to discuss collective bargaining and pending litigation.**

At 9:05 pm the Board returned to Open Session, Motion by Mr. Ready, seconded by Mr. Johnson, unan. to **release the minutes in question, July 2, 1990**, to the press and any other interested parties, and to file them with the Town Clerk.

At 9:06 pm motion by Mr. Ready, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by
Jane E. Carter

91 APR 24 AM 11:48

91 MAY 21 PM 1:18

Reorganization meeting of the Board of Selectmen held Thursday, April 4, 1991 at 7:30 p.m. Members present were: Dennis J. Ready, Henrick R. Johnson, Jr., Roger A. Blomgren, William R. Logan and Richard E. DeFreitas. Town Manager Bernard Lynch was also present.

The Board congratulated Mr. Logan and Mr. DeFreitas on their elections as Selectmen. The Board then re-organized for the coming year. Vice Chairman Ready asked for nominations for Chairman. Motion by Mr. Johnson, seconded by Mr. Logan, unan, to elect Mr. Ready as Chairman.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to elect Mr. Logan as Vice Chairman.
Nomination by Mr. Johnson, seconded by Mr. Blomgren, unan. to elect Mr. DeFreitas as Clerk.

At 7:40 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Julie E. Castro

91 MAY 21 PM 1:18

Work Session of the Board of Selectmen held Monday, April 8, 1991 at 7:00 p.m. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Johnson. Mr. Blomgren was out of Town on business. Town Manager Bernard Lynch was also present.

The **Town Manager presented his budget** and the Board discussed it at length.

Re-organization in the Board of Health was discussed by the Board, and at 8:00 p.m. the Board met with members of the Board of Health for further discussion. Mr. DeFreitas was appointed a sub-committee of one, and the Board asked him and the Twon Manager to again sit down with the Board of Health to try to reach an agreement.

The Board also discussed the **questionnaire on types of overrides** to be given to **Town Meeting reps** to be completed before Town Meeting.

The Work Session ended at 10:00 p.m.

For the Board of Selectmen, by

Judith E. Carter

91 MAY 21 P.1 1:18

Regular meeting of the Board of Selectmen held Monday, April 22, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting William Dalton, President of the Firefighters Union, addressed the Board on behalf of all the unions. He read a letter signed by all the union presidents asking for an explanation from the Board as to why Town Manager Lynch's health insurance is being paid 100% by the Town when all other employees are only having 60% of their premiums paid by the Town. The unions feel that Mr. Lynch should reimburse the Town for any payment in excess of 60% retroactive to July 1, 1990, and that the Board of Selectmen should treat all employees equally. Mr. Dalton had spoken with the House Services Committee and was told that it is not CH 41N that is applicable but CH 32B.

Mr. Dalton added that in November, 1989 he requested Mr. Lynch to provide him with a copy of the new contract which he still does not have, and said that other unions haven't recieved copies of their signed completed contacts, either.

He then addresed the matter of the request for a wage freeze, stating that they have had two meetings with Mr. Lynch, that at the first meeting he had no input and only asked for union proposals. At the second meeting he had the information that they had asked for at the last meeting. The Fire union wants a written proposal from the Town, and they will not be able to have a meeting before April 29th.

Mr. Lynch said that the Town has a long history of working off Memos of Agreement and that there was a new fire contract in 1986.

Chairman Ready then explained the Open Session part of the meeting to the student Selectmen who were present: Karen Ready, Aaron Bates and Eric Pearson, and student Town Manager Erin Ready.

Mr. Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim April 25, 1991 as Youth Government Day in the Town of Chelmsford. The students present then introduced themselves to the Board and the television audience.
Karen Ready then read a proclamation from the students proclaiming Thursday as Drug Awareness Day and presented each Board member with an armband to wear for the week.

Mr. Ready said that there have been two deaths recently: **Selectman Logan's mother and Bill Edge**, long time Town committee member and employee. He asked for a **moment of silence.**

Motion by by Mr. Johnson, seconded by Mr. Blomgren, to **approve the minutes of March 11 and March 26, 1991.** Vote was 3 in favor, 2 abstentions (Mr. Logan and Mr. DeFreitas, because they were not members of the Board at that time).

Mr. Ready welcomed the two new members to the Board, saying that they have both hit the ground running, he feels this will be a good active Board and they will be working together for opportunities.

George Gagan, New England Telephone Company, was present with a **petition for placing 50 feet of underground conduit to provide new service at 108 Middlesex Street.** There were no questions from the Board or the audience. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. Gagan then asked the Board to **approve Brook Street as a formerly private way made public.** There is no work to be done and the street was accepted by Town Meeting in 1989. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

Under **Reports Mr. Ready** reported that on the first Monday after the election the Board held a **Work Session** and met with the Board of Health. They met with the Town Meeting reps last week and Bernie Lynch presented his budget and did an excellent job. The reps were polled for their feelings on an override and the results were: 25% - No; 61% - menu type; and 14% - single question.

At 7:45 p.m. **Attorney James Geary** addressed the Board, stating that he is representing **CAM Corp. d/b/a BumBleBee's**

Selectman Logan said that he has contacted the State Ethics Commission and on their advice he will remove himself from all public hearings involving alcohol, now and in the future, as long as he is general manager of the Courthouse, since they have an All Alcoholic Common Victualer license.

Mr. Geary said his client is applying for a **Common Victualer license,** since they are presently operating under a temporary license that expires May 11th. There is also a **pending transfer of the All Alcoholic license from JDJS to CAM Corp.** The former owner closed the establishment at the end of January due to financial problems and the Board approved the transfer of the liquor license on February 4, 1991. The Commonwealth has put a Hold on the transfer with the ABCC until the taxes due are paid. He said that tonight they are only asking for the Common Victualer license. There has been an undue delay with the liquor

license of about 3 months, and he is requesting the Board to do the following; that on May 6 they post a notice and hold a Public Hearing to revoke the old JDJS license, rescind the February 4 license transfer and vote a new All Alcoholic license for CAM Corp. If the state Hold is released prior to May 6, the matter can be dismissed. Mr. Geary then went over the physical description of the premises and said that they are requesting hours of 6 am - 11 pm seven days per week. He stated they are asking only to have the hearing set up, that there is no change from the license voted February 4th.

When Mr. Ready asked if anyone present wished to speak in favor of or opposition to this application, **Attorney Joseph B. Shanahan, Jr. asked to speak, stating that he is representing the previous proprietor, JDJS Inc.** He gave a brief history of events: his client was sued for back rent payments and also agreed to turn over to Alpine Realty Trust all equipment, etc. The hardship on Mr. Geary's client was due to undue delay - the agreement was signed on September 28; on January 9, 15, 18 and 22 he wrote to CAM's attorney to fill out the liquor license application. A hearing on the transfer was held on January 22 and approval was granted by the Board on February 4 for the transfer of the All Alcoholic Restaurant license. On March 13 phone calls were made to the ABCC and it was learned that a final tax return has to be filed with the Dept. of Revenue when a corporation is dissolved. CAM Corp. opened in late February without a license, and and the temporary Common Victualer license was issued only because he and the SooHoos asked that it be. He suggested that the temporary license be extended because if you grant a new CV license it puts a pall over the transfer of the liquor license. Mr. SooHoo has $20,000 in escrow pending the transfer of the license and if a new license is issued, the escrow might not be paid. JDJS paid the full annual license fee to maintain the All Alcoholic license at that location. There can be only one license at that location and he asked the Board not to take away JDJS's proprietary interest in the license. He said that you have to have a Common Victualer license to obtain an All Alcoholic Restaurant license and his client has 3 weeks to get the matter resolved.
Atty. Geary asked for a brief rebuttal, stating that a proprietary interest means interet in ownership and one doesn't exist with JDJS but with CAM Corp. He said that a Common Victualer license doesn't have any effect on an alcoholic license.
Mr. Ready said it was never the Board's intent to do anything to hurt the original licensee financially, and if they get a new license, could Mr. Geary's clients not go through with the escrow money.
Mr. Johnson said he wants to go forward with the hearing on May 6 and wants to see that this restaurant not be allowed to serve alcohol prior to a hearing. He moved that we advertise for Public Hearing on May 6.

Mr. Geary said that he is here because this is an advertised Public Hearing for a Common Victualer license and if the Board feels it is appropriate to extend the temporary license it is fine with him.
Mr. Ready then closed the Public Hearing.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to post a meeting for May 6 at 6:30 pm in Room 204, Town Offices, publish Mr. Geary's notice re the All Alcohlic license for JDJS and CAM Corp. and Table tonight's hearing.
Mr. Blomgren said he is concerned that the Board is being put in a position of judging, and asked the Town Manager to brief Town Counsel before the notice is published. The Chairman said he will do this and added that he wants the Board to take more of a role in liquor licenses.

A **Public Hearing was then held on the application of Lisha Furtado for a new Common Victualer's license at Jack's Diner.** She is purchasing the diner and will ask for the transfer of the Wine and Malt Beverages license at a later date. She will not serve alcohol until the transfer is approved. She is planning no change in the operation except hours - she wants 6 am - 10 pm. The Board has not received a letter of intent from the Mansurs and asked for that. Mr. Blomgren said he wants a completed punch list for each application from now on, and Mr. Ready asked that a policy and procedures manual be ready for review by May 20th.
Mark Kitner, Merit Associates, said that the sellers won't release the alcoholic or Common Victualer licenses until the financing is guaranteed.
Motion by Mr., DeFreitas, seconded by Mr. Johnson, unan. to grant a Common Victualer license at Jack's Diner for Lisha Ann Furtado subject to receipt of a letter from the owners of the property that they are aware of this transfer.
The hearing closed at 8:30 pm. No one present wished to speak in favor of or opposition to this license.

Thomas Gonsalves was scheduled on the agenda to discuss the **transfer of River's Edge Motors Class II Auto Dealer's license to Williamsburg Motors.** Mr. Gonsalves was not present and Mr. Johnson said this was strictly a name change. Mr. Blomgren said he wants him to come into the May 6th meeting and Mr. DeFreitas said the application is not filled out properly, that it says individual, not corporation.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve the change in name subject to Mr. Gonsalves getting in touch with the Chairman re the discrepancies in the application. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Town Engineer James Pearson was present to discuss **street aceptances.** Letters were received from him and the Planning Board.
1. **Nashoba Drive** - 1800 foot street off Robin Hill Road, with the Planning Board still holding a bond of app. $75,000. Mr. Pearson read over the punch list and recommended accepting the street subject to the bond and release by the Planning Board when completed. There will be no cost to the Town except the annual maintenance expense, and the one resident present was in agreement with the acceptance.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept Nashoba Drive with the stipulation that all punch list items be completed before the bond is released.

2. **Sarah Lane** - Mr. Pearson read over the punch list. Michael Shyjan, Lot #3, said he wants the surfaces near the drainage pond smoothed out so he can mow and graded, loamed and seeded in a workman like manner. James Buliszak, 3 Sarah Lane, wants acceptance.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the acceptance of Sarah Lane and hold the $10,000 bond until the punch list is completed.

3. **Virginia Lane** - a 370 foot street off Sarah Lane, with 3 building lots all in Chelmsford. There is a bond of $8,000 and Mr. Pearson went over the punch list.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve acceptance, subject to completion of the punch list and release of the Planning Board bond.

The students left the meeting at 8:50 p.m.

Under **Reports, Mr. DeFreitas** reported that as a Board of Health Sub-committee of one he met with Mr. Lynch, Board of Health and their employees last week, and they are trying to resolve a new proposal. The Board's concerns are with autonomy, appropriations, shared space, shared clerical help and the loca tion of the Town Nurse. There is agreement on the autonomy of the Board of Health and shared space and help, and the Town Manager will come back with recommendations on appropriations and moving the Town Nurse.

Mr. Johnson reported that when Village Square Convenience Store applied for their Common Victualer license they said they were only serving coffee and they now have a full menu.
Motion by Mr. Johnson, seconded by Mr. Blomgren, unan. to send them a letter asking them to explain this situation to the Board.

Mr. Johnson reported that the Town Accountant has resigned after being on the job for 7 months. The vote to appoint her was 3 - 2, and he wants to contact 2nd place applicant Bernard Myler. He

also noted that the Town of Wakefield pays their Assistant Town Acountant $5,000 more than we pay our Accountant. Mr. Logan said he would like to see candidates #2 and 3, and Mr. DeFreitas said if we have already advertised we should look at all the resumes. Mr. Ready said he would have the Board review all the resumes and set up interviews. He will contact the #3 applicant.

Mr. Blomgren reported that C.A.D.A.C. wants some time prior to the April 29 Town Meeting to recognize some students.

The **Town Manager reported under Contract Awards** that the contract for **street sweeping** has been awarded to Cole Contracting, the low bidder; **insurance** - we received two proposals, Betterley Risk for $7500 - $8000, and Kevin Donohue for $6200. The bid was awarded to him. He will review all our insurance needs and put together a package to go out for bid and contracts will be awarded by June 30th.

Under **New Business Mr. Ready** presented his **proposed policy on presenting new policies:** there will be a policy item on the agenda to introduce a new policy, vote on already presented policy and periodic review of existing policies. He stepped down from the chair to move that the Board adopt his proposed policy, seconded by Mr. DeFreitas, unan. Mr. Blomgren asked how do we distinguish policy, procedure and practice.

Mr. Ready said that we have **received a letter re the Town Manager's proposal to change the Veterans' Agent position from full-time to part-time and is this legal.** He wants an opinion from Town Counsel. Mr. Lynch said he told the Board about this last summer, that he is slowly changing things so the Veterans' Agent will become the Council on Aging Director. He gave examples of sharing responsibilities in other communities, and said if it is legal there it must be here.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to remand this matter to Town Counsel with an answer directed to the Chairman of the Board.

Mr. Ready asked the Board to support budgeting a 5% reduction in Selectmen's stipends, to go along with Mr. Lynch's 5% pay cut. Mr. Johnson said he will give back his entire stipend, that it is only symbolic and other Boards are not compensated. Mr. Ready noted that Selectmen have tremendous out-of-pocket expenses and Mr. Blomgren said that last year they gave up 17% in their $25. per month expense allowances. Mr. Johnson and Mr. DeFreitas both said they will support the 5% cut but will donate their full stipends back to the Town. Mr. Logan said he will abstain and not accept his stipend.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to give back 5% of the stipend. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Ready said that there are 10 - 12 appointed and elected officials receiving stipends who participate in the Town's Blue Cross/Blue Shield program, with the Town paying 60% of the premiums at a cost of app. $25,000 per year. He wants to send a letter fom the Board to these persons asking them to either agree to pay 100% of the cost themselves or withdraw from the program.

Mr. Logan said he will present his economic development plan at the next meeting. He also wants to thank all in their expressions of sympathy on the loss of his mother.

Mr. DeFreitas said he wants to work with the Town Manager re cuts for supervisory personnel, noting that on February 25th the Board voted a wage freeze through FY92. He can't support any override that includes any kind of salary increase and also will not support the difference between a balanced budget and an alternative budget if salary increases are included.

Mr. Blomgren wanted Mr. Ready to write to Lory Leone asking for an explanation of the $90,000 overpayment of an auto insurance premium and wants to know the practice used to clear and pay bills.
He asked about the revenue from street opening permits, and Mr. Lynch said that we charge $3.00 per foot for all except emergency services. Mr. Blomgren wants to know how much money is being recovered.
He said we need to talk policy re recycling. Mr. Ready said that Barbara Scavezze reported to the Town Meeting reps and did a straw poll which showed that 90% want curbside recycling rather than a drop-off point. He expects the SWAC to report to the Board.

The Board asked that checking on back taxes be added to the punch list for any public hearing or application for licenses.

Mr. Blomgren said that Mr. Lynch should repond to James McBride's letter of April 9th if he has not already done so.

Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to eliminate scheduling times on the agenda except for Public Hearings.

Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. to dedicate a page in the minutes in memory of Bill Edge.

Mr. Ready said he will draft a letter for the Board's review on the first section of the union letter, which he will run by counsel. He added that we need an Executive Session tonight to discuss the other requests from the union.

Mr. DeFreitas said that we need to **appoint an interim Town Accountant.** Mr. Ready said we have an option - to ask the Assistant Town Accountant to fill in. Mr. Johnson stated that she did an excellent job last time, and he feels she could do a very capable job.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **name the Assistant Town Accountant Mary Villare as Acting Town Accountant** and pay her at the current Town Accountant's rate.

William Dalton spoke from the audience, saying it bothers him the way the Board is going about appointing an Accountant.

At 9:55 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to **adjourn to Executive Session to discuss collective bargaining.** Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready announced that they will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by
Addie E. Carter

91 MAY 21 PM 1:18

Meeting of the Board of Selectmen held Monday, May 6, 1991 at 6:30 pm in the Town Offices. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitaa, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 6:30 p.m. and noted that the only agenda item is the Public Hearing on the All Alcoholic Restaurant license on the premises at 313 Littleton Road. In accordance with his April 22nd point of privilege Mr. Logan abstained from participating in the hearing.

Attorney James Geary represented CAM Corp. d/b/a BumBleBee's and said that the Board had voted to issue a temporary Common Victualer license contingent upon tonight's hearing. He is requesting that the temporary license be extended for an additional 60 days. Mr. Geary said that he was in touch with the A.B.C.C. re the transfer of the liquor license and was told that JDJS has paid all their taxes to the Dept. of Revenue and the ABC Commision will be meeting to vote on this transfer tomorrow. He suggested that we continue all the items on the Public Hearing until May 20th, and the issues may be moot by then. He is therefore asking the Board to grant the temporary Common Victualer license for another 60 days, from May 11 - July 10, and to adjourn to May 20th.

Attorney Joseph B. Shanahan, Jr. representing JDJS Inc. was also present and said he has no objection to extending the Common Victualer license.

At 6:35 pm Chairman Ready closed the hearing and read an opinion from Town Counsel James Harrington. He went over the three sections of the hearing notice: 1. request to revoke the JDJS Liquor license - the Board has no jurisdiction over this license while the transfer is pending with the ABCC; 2. request that the BOS rescind their action of February 4, 1991 approving the transfer - jurisdiction currently rests with the ABCC and BOS has no authority; and 3. request for issuance of All Alc. Comm. Vict. license to CAM Corp. - there is an existing license on the premises and BOS can't issue an additional license.

Mr. Johnson said that for the Board to vote the motions recommended by Town Counsel does nothing - the matter should be put on Hold for two weeks and hopefully will be resolved by then.

Mr. Ready said he diagrees, that we should vote the three motions as recommended by Town Counsel and then vote to continue the matter for two weeks.

Attorney Geary said he concurs that the jurisdiction is with the ABCC, but if the matter is not made moot tomorrow and is remanded back to the BOS, he doesn't want to lose the process. Attorney Shanahan said he feels it is the appropriate action of the Board to dismiss the requests because they are not under the Board's jurisdiction.

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to **deny the request to revoke the All Alcoholic Common Victualer's License of JDJS Inc. at 313 Littleton Road,** because the Board voted on February 4, 1991 to approve the transfer of this license to CAM Corp. subject to the approval of the ABCC. Approval of this license is currently pending at the ABCC. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to **deny** the request to **rescind the action of the BOS as Local Licensing Authority on Feb,. 4, 1991 which approved the transfer of an All Alcoholic Common Victualer's license from JDJS Inc. to CAM Corp.** because this transfer is curreently pending before the ABCC. The Board will require a remand of the transfer of license from the ABCC prior to assuming further jurisdiction over this matter. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. De Freitas, seconded by Mr. Blomgren to **deny the request for an All Alcoholic Common Victualer's license to CAM Corp. at 313 Littleton Road** because the records of the Board as Local Licensing Authority reflect an All Alcoholic Common Victualer's License existing at this location in the name of JDJS Inc. transferred, subject to the approval of the ABCC, February 4, 1991. Vote was 3 in favor, 1 opposed (Mr. Johnson).

Motion by Mr. DeFreitas, seconded by Mr. Blomgren, unan. to **grant an additional 60-day Common Victualer license** to CAM Corp. from May 11 - July 10, unan.

At **6:45 pm motion** by Mr. Logan, seconded by Mr. DeFreitas, unan. **to call a recess and reconvene in the McCarthy Middle School Gymnasium at 7:15 p.m.**

The Board of Selectmen **reconvened in the McCarthy Middle School Gym at 7:15 p.m.** Mr. Ready said that the Board of Selectmen is to call a Special Election for override questions, and he will now allow each Selectman to speak, giving his position on placing these questions on the ballot.

Mr. Logan said that the Board of Selectmen has the duty to determine whether an override question should be placed on the ballot. He added that the Board must take fiscal reponsibility and he will support placing three out of five of the questions on the ballot.

Mr. DeFreitas said that voting to call a Special Election with all its associated expenses is a serious obligation of a Selectman and made reference to a Resolution passed by the Board on Febraury 25th calling for no pay raises for any Town employee during FY92, which he supports. Then the BOS, School Comittee and FinCom agreed to put override quesitons on the ballot if the Town Meeting Reps voted for the alternative budgets. He believes in fiscal credibility and won't vote to put on any override question if pay raises are involved and will not vote for recycling because he feels the Town should be out of the Trash and Recycling business. He will vote only for the library override question.

Mr. Johnson said that the vote the BOS took on February 25th regarding no pay raises was Step A, but Town Meeting Reps have said let the electorate make the decisions and it is not right for the BOS to take away the democratic process and the right to vote.

Mr. Blomgren said he has a concern about putting any override question on a ballot but the budgets have gone through the process and the BOS has acted prudently. If the overrides fail, it will mean a reduction in forces. The BOS has to listen to the Town Meeting Reps and they have asked to have the override questions placed on the ballot. All the departments are in a difficult financial position and we will have to convince the population that the overrides are needed. He feels that we need more than the 162 Town Meeting reps to decide the future of the community.

Mr. Ready then read a list of 10 reasons why he is voting to put all 5 override questions on the ballot: 1. we promised that if the alternate budgets were approved that we would do so; 2. he believes in Prop. 2 1/2; 3. it's the right strategy; 4. help to turn around the economy; 5. the Town didn't put us in this situation, the economy and the Commonwealth of Mass. did; 6. School Dept. employees have offered to give up 2 1/2% of their increases; 7. dedicated employees deserve our support; 8. your property tax is deductible - higher insurance premiums or loss is not; 9. supply and demand - if we let our school system deteriorate, the value of our property will go down; 10. it's fair - any raises agreed on in the budget were fair and square as a result of negotiations.

Motion by Mr. Logan, seconded by Mr. DeFreitas, **unan. to call a Special Election for June 4, 1991 from 12:00 pm - 8:00 pm.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put **Question #1 (school override) on ballot.** Vote was: Mr. Logan-Yes; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. **Vote 4 - 1.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put **Question #2 (Police override) on ballot.** Vote was: Mr. Logan-Present; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. **Vote 3 - 1.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put **Question #3 (Fire override) on ballot.** Vote was: Mr. Logan-Present; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. **Vote 3 - 1.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put **Question #4 (Recycling) on ballot.** Vote was: Logan-Yes; DeFreitas-No; Johnson-Yes; Blomgren-Yes; Ready-Yes. **Vote 4 - 1.**

Motion by Mr. Logan, seconded by Mr. DeFreitas, to put **Question #5 (Library override) on ballot.** Vote was: Logan-Yes; DeFreitas-Yes; Johnson-yes; Blomgren-Yes; Ready-Yes. **Vote 5 - 0.**

At 7:35 **p.m.** motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adjourn the meeting.**

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, May 20, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Motion by Mr. Logan, seconded by Mr. DeFreitas unan. to approve the minutes of April 4, April 8, April 22 and May 6, 1991.

Under Other Business Mr. Blomgren asked that the Police Dept. be reminded to increse their patrols at Freeman Lake, especially near the spillway, during the summer months and restate BOS practices to the RecComm.

Mr. Blomgren then spoke about service contracts, asking if we should put legal fees out to bid. After dicsussion it was decided to ask the Town Manager to check with other Towns in the Merrimack Valley and also the MMA, and to get back to the Board with his recommendations. It was also agreed that we would seek requests for proposals, not actual bids. Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to do so.

Ed Shanley, New England Telephone Co. was present with four petitions to the Board.
1. Meadowbrook Road - they will be excavating 118' in the soft shoulder, and Mr. Lynch asked them to coordinate this work with the DPW, since they are repaving in that area. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the petition.

2. Smith Street - replace a rotted out tree with a stub pole and one cable. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

3. Main Street - place 68 feet and 8 feet of conduit, all in the shoulder of the road, with no cutting of the pavement. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan to approve.

4. Golden Cove Road - a rotted tree needs to be replaced with a stub pole. Motion by Mr. Logan, seconded b Mr. DeFreitas, unan. to approve.
No one present spoke in favor of or opposition to any of these petitions.

Dora Brown, President of the Hart Pond Improvement Association, addressed the Board, stating what her Ad Hoc Committee has done to date. They have reviewed the Pond, and find that it is a Great Pond, owned by the State. The purpose of her Association is to educate people in the use of the pond and controlling noise and pollution. They have a printed set of by-laws, which she gave to the Board, and want to solve and resolve problems. Ms. Brown said that tonight the Commitee is requesting to: 1. remain an Ad Hoc Committee and want to be informed of any problems and 2. to keep the public informed of boating rules and regulations and remind them of Mass. State law.

Mr. Ready told Ms. Brown that they have done a wonderful job and the only concerns are those raised by Town Counsel in his letter of May 13, 1991. All their regulations will have to be voluntary and if they don't work, they will have to come back at the end of the summer to add them as by-laws.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to formally ask the commitee to prepare articles of organization and to present the by-laws to us. The Association will also look into the banning of jet skis, either through a Town by-law or going through the State.

At 8:00 p.m. the Board met with **Jon Firger of the Psychological** Center in Lawrence. Mr. Ready said he had received a call form a Muriel Road resident and then a letter from Mr. Firger asking to attend the meeting.
Jon Firger then spoke, stating that the Psychological Center is a non profit agency and their mission is to provide outpatient and residential services for retarded persons, which they do in 10 communities, with the smallest unit for 4 persons and the largest for 15. The Dept. of Mental Retardation has asked them to do a 4 person unit in the Greater Lowell area, and they contacted Shane Realty. After a 4 month site search they have found a ranch house at 22 **Muriel Road.** He introduced **Jim Oien and Nancy Brown of the Dept. of Mental Retardation.** Mr. Firger explained that the clients are 4 women, all moderately to severely handicapped who require a lot of help. They will live on Muriel Road 7 days a week but on weekdays they are taken to a day program and the staff takes them to appointments and meetings after that.
Mr. Ready asked what the law requires for notification when clients are moving into a neighborhood and Mr. Firger said that under the Mass. Fair Housing law and the federal Housing law nothing is required, but the Dept. of Mental Retardation has a policy to contact neighbors when a lease is secured. They spoke to several Muriel Road neighbors and met with them on Saturday pm, and will also have an Open House once they are established. In other communities they have formed Citizens Advisory Groups, and they have found it a very posiitive experience in every community.
Mr. Ready asked if the site is cast in concrete before the neighbors are notified how do they address their concerns.
Mr. Logan asked if any permitting needs to be done and was told that the Building Inspector issues an Occupancy Permit according to code. Mr. DeFreitas asked about staffing and Mr. Firger said the ratio is one staff member to each two clients, they work in 8 huor shifts and there are always two there. Mr. Johnson asked if all funding comes from the DMR because he is concerned with co-grant money, that there is no criminal element involved like the Dept. of Corrections. Mr. Firger told him yes, that all funding comes from DMR. When asked about emergency back-up service he said that there is a Master level clinical staff on

call 24 hrs/day, and always at least three persons on call to provide back-up. As far as parking and traffic, there are usually 3 cars there - 2 staff and one service. Once a week there is a 2-hour staff meeting, with 5 - 6 cars there for that time.
Mr Blomgren asked for a list of participating communities and staff background. Mr. Firger said that for staff they require a BS degree or experience in lieu of. They have persons with various degrees to use as resoures. He said that a positive experience for the neighborhood is that the clients are all likeable people, and a negative experience might be that there are unfamiliar faces in the neighborhood, that the staff does change. When asked why Chelmsford, Mr. Firger said that it has to be the Greater Lowell area, that they are attracted to the house itself and it is in a very nice neighborhood which they deserve. He added that they take meticulous care of any houses that are leased for this program.

Jim Oien said that he is the **Director of the Case Management Team** in **Greater Lowell**, they have app. 90 beds and are not connected with the Dept. of Mental Health or Human Services. They serve 64 families in the Town of Chelmsford, with 22 residents living in residential programs in other Towns.
Nancy Brown, Supervisor Service Coordinator, said that these are 4 very low functioning females, that there is 1 staff member for each 2 clients, they can't go out alone and are primarily non-verbal, and two are legally blind. They are not mentally ill persons. Mr. Logan said he received several calls in support of the program due to the article in tonight's Lowell Sun, and asked if they are dangerous and was told No. Mr. DeFreitas asked the length of the lease and was told one year, renewable, dependent on funding.

Mr. Ready then asked for **questions from the audience. Ann Merrill, 2 Muriel Road**, asked various questions about the lease and type of client, could it be changed, could more beds be added, are patients on medication, etc.
Earl Mahon, 23 Samuel Road, asked if the spetic system has been certified for 4 clients and 8 staff, and said he has no problems with the clients, only with the way in which the matter was handled. He also questioned parking spaces, wheelchair access, bathrooms up to code, fire alarm system, lead paint.
Mr. Ready said we wanted to bring these points to the Building Inspector: capacity of the sepctic system, parking for up to 12 people, bathrooms up to code?
Robin Charbonniere said she had just read the Lowell Sun and never has been so mad as she is at these neighbors - they weren't questioned when they moved in and she is ashamed of what they are doing.
Ruth Collins, 18 Raymond Road, said she has an autistic daughter who will be in this circumstance in two years and the handicapped

have a right to live like others.
Ralph Hickey, Handicapped Commission, said he wholeheartedly supports the program, that these people are entitled to live a normal life. Chelmsford should be proud of this program.
State Rep. Carol Cleven said she had been called by the Muriel Road neighbors and found out some information about the program. and learned that there are some excellent programs in group homes. She will not take sides on the issue but will act as mediator.
Scott Johnson, 25 Samuel Road, said he questions the administration of the program - he found the time line very close so that they got conflicting information and feels that there still may be unaddressed concerns. His concern is that the program is run and administered well.
Rod Merrill, 2 Muriel Road said he is concerned about the clients' safety relative to lead paint poisoning. Ms. Brown said that the law for testing applies only to children under 6.
Von Duey, 27 Muriel Road, said the issue is more complex - he is not concerned about the 4 individuals, but who will move in after they move out in a year or two. Mr. Firger said they would have to go through the pprocess again, and he will notify the abutters if funding changes in any way.
George Terlizzi, 20 Muriel Road asked if a different type of program could be put in the house and Mr. Firger said No, they would have to go for another occupancy permit and there is a contingency clause in the lease on funding.
Mr. Von said he understands that a law was passed last March exempting these homes from zoning by-laws and maybe we should change the law - the Town should be concerned what the house will turn in to.
Jean Rockett, 7 Skyview Drive, said she is a parent of a mentally retarded child and also teaches the retarded. The law cited was put in place to prevent ignorance and prejudice. She is proud that the Board has acted the way they did and told the neighbors to go out and help others.
Mr. Firger said that the people in the neighborhood have been expressing legitimate concerns and he hopes they will be comfortable when the program is in place.

Selectman Bill Logan then presented his **Economic Development Program**, which he had given to Board members on April 24th. He is asking for a vote from the Board tonight. His plan is based on developing plans and strategies at a Town level and managing the Town professionally. The objectives are to fill the vacant commercial areas and position the Town for positive growth. He wants to put together an **Economic Development Committee** comprised of 6 - 8 Town residents and 1 or 2 out of Town who are "big" in business and 1 or 2 who own businesses who aren't residents. They would serve on a volunteer basis to fulfill the above goals.

The second part of his program would be to develop a Town Prospectus - a professional document telling businesses why they should invest in the Town of Chelmsford. The Committee would work with the BOS and other Town Committees developing this prospectus. His potential ideas for drawing business include After classification zones and tax free zones as special incentives. Mr. Johnson commented that it would attract new businesses but feels it is unfair to the 60% now occupied - it is not rewarding for loyal taxpayers. Mr. Logan said the special incentive could be limited to 3 - 6 months. The advantage would be that it would fill floor space. The 40 - 45% vacancy rate may increase if the economy doesn't pick up. He also suggested offering Adult Education to company employees, using our facilities. The main objective is to portray Chelmsford as a positive place to do business.
Motion by Mr. Logan to implement his plan, seconded by Mr. DeFreitas, unan. Mr. Ready said we need at least one BOS liaison. Mr. Logan said he would be the liaison and wants to be part of the Comnmittee. Mr. DeFreitas said he would be glad to help.

Barbara Scavezze met with the Board to discuss the recycling override and the trash situation. Mr. Lynch said that he and Jim Doukszewicz worked with Barbara on this fee structure and they both support it and recommend adoptdion by the Board.
Ms. Scavezze presented the fee structure: $80.00 annual fee and $1.15 per sticker, and a $30.00 recycling user fee if the override fails (still voluntary). This is a 12% increase in the cost of curbside collection for July 1st, but we now have a slight defecit (a large portion of it due to bulk collection). Mr. Blomgren asked to put the matter on Hold until he can check the numbers. Ms. Scavezze asked the Board of approve the recycling fee tonight, but Mr. Ready said that since Mr. Blomgren has asked for a Hold, they will vote at the next meeting.

Under Other Business Mr. Blomgren asked for the list of annual appointments by mid-June.

Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to try to change the name of 130' of Grove Street to Summer Street since there are no businesses or residences on that portion and ask the Town Manager to pursue this change.

Mr. Blomgren said as a matter of policy he would like to schedule Annual Town Meetings on Mondays and Thursdays at the McCarthy Gym. Mr. Ready suggested leaving out the location.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to put a by-law on the next ATM Warrant for Monday/Thursday.

Mr. Blomgren said he has received a letter from a resident re **trash and Yankee Disposal.** About 50 people lost money and they a are asking the Town to reimburse them (app. $5,000). Mr. Lynch said we are looking into this matter with Town Counsel. Mr. DeFreitas said he had invited the resident to attend an Open Session at a Selectmen's meeting and the invitation is still open.

Mr. Blomgren commented on the first news article on the override in the Lowell Sun, saying he felt it was very "pro" and they must give the same opportunity to the opponents.

Mr. Johnson said he is giving back his stipend as a Board member and wants to ask the Town Manager to put his money into opening the polls in the morning for the Annual Town Election.

Mr. Ready said he spoke at a meeting of the **Chelmsford Businessmen's Asociation** and asked how can we help them in these hard economic times. They asked him about **replacing** the required **police detail at construction sites with flagmen** at a much lower cost. Mr. Ready stepped down from the chair and moved, seconded by Mr. DeFreitas, unan. to ask the Town Manager to draft an article.

Under **Reports, Mr. lynch** said that there is money left in the Snow and Ice Account and he wants to give the DPW Director, DPW Dept. and Highway Dept. a pat on the back for a good job this past winter.
We are getting a $15,000 credit on our energy bill.
He wants to thank Ed Jamros for doing an outstanding job in the Park Dept.

Mr. Lynch reported on Local Aid, stating that we will be getting $1 mil - $1.6 mil less in FY92 than projected (a 10% reduction). He said the Department Heads are adamant about the cutting that has been going on the past several years. Communities are being crippled and they want him to ask the Board to take a stand in opposition to any more cuts.

Rep. Carol Cleven said that the House Ways and Means budget passed last Friday means our cut is $2.8 mil, but it appears there will be a compromise, state services will be disappearing at a cut of $350 mil but our share will drop to $250,000 - $300,000.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **draft a resolution to the Governor and the Legislature expressing the Town's outrage at the proposed additional cuts in local Aid.**

Under **Policy,** motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adopt the proposed policy on policies.** Under Periodic Review of Policies, Mr. Ready said that the Adm. Asst. has prepared liquor license policy and procedure for the Board's review.

Motion by Mr. Logan, seconded by Mr. DeFreitas to re-appoint Dennis J. Ready for a 3-year term as a member of the Chelmsford Center Industrial Sewer Commission retroactive to January 1, 1991. Vote was 4 in favor, 1 abstention (Mr. Ready)

Under New Business, Mr. Logan handed out copies of a Globe report on schools put out by the Town of Arlington.

Mr. DeFreitas urged all to vote in the Special Election on June 4th on overrides.

At 10:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to go into Executive Session to discuss Collective Bargaining. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 10:45 pm the Board returned to Open Session.

Mr. Ready announced that based on the advice of Counsel we are sending out a response to Union heads answering their letter questioning the Town's paying 100% of the Town Manager's health insurance.

Mr. Ready said that it is the opinion of Town Counsel that the proposed organizational structure of the Veterans' Agent position would violate State law. The Town Manager will come back with a new structure with a full time Veterans' Agent although half the Towns in the State have only part time agents. Mr. Lynch said he will report back to the Board by Septem,ber 1st.

At 10:47 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson- Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said there will be no further announcements.

For the Board of Selectmen, by

Judith E. Canta

RECEIVED
91 JUL 18 PM 4:30
TOWN CLERK
MARJORIE C. MILLIKEN
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, June 3, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session, John Morrison and several other residents who had signed up with Yankee Disposal were present. He had sent a letter to each Board member stating that all present had lost money since they signed with Yankee and then they lost their conditional license to operate. People were told that Yankee was a "qualified trash hauler" and then their license was not renewed so the residents were out their money. The Town recommended that they go to Small Claims Court but this is not the fastest route and will cost money up front. They feel the Town should reimburse them or give a credit on the next bill.
Whitey Morrison, Groton Road, started with Hamel and when he pulled out he went with Yankee, and if they weren't bonded, why did we let them in Town.
David Huntley, Stedman Street, said he had signed a one year contract and can go to Small Claims Court and win by default.
Pat Ring, Charlemont Court, told of an experience with a store that went out of business at the Pheasant Lane Mall.
Sandra Zimmerman said the Town was remiss in its duties in not giving people all the facts, and feels the money they are out should be applied towards next year's user fee.
Mr. DeFreitas said he was a Hamel customer, and feels the Town shouldn't regulate private business.
Mr. Johnson said we could do a compromise - that we can't give back cash but maybe could cut next year's bill by the money they are out.
Mr. Ready said we have asked Town Counsel for an opinion but have no response yet so we don't really know what the Town can do.
Joel Carp said that the trash user fee is not a tax and he objects to those who have been paying to have to subsidize others. He added that any credit given should come out of tax funds, not the user fee.
Mr. Lynch said that Yankee is no longer operating in Town as far as he knows and they also have problems in other Towns, commercial as well as residential.
Mr. Blomgren said that Hamel refunded money with an apology for not being able to participate, and he feels the Town should make a gesture on the 1991 fee for these people.
After further discussion Mr. Ready said that the Board will look at alternatives and will contact the residents through a print-out that Barbara Scavezze can prepare.

Chairman Ready called the meeting to order at 7:35 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve

the minutes of the regular session on May 22nd, as corrected, and the Executive Session on May 22nd.

George Gagan, New England Telephone Co. was present with two joint petitions by New England Telephone and Massachusetts Electric:
1. Ripley Street - to place one pole to extend service to new homes. The pole will be 3 feet off the roadway. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
2. Fairmount Street - one pole not on the pavement to serve new homes. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. Logan asked about work being done on Park and Proctor Roads, and Mr. Lynch said we are waiting for the phone company to take the lines off the poles.

At 7:00 pm a Public Hearing was held on the application of Bill Boyle, Colonial Shell, 120 Chelmsford Street, for a Common Victualer license. Mr. Boyle said that they want to serve coffee, and vend other products from the machine. He said they are not set up for sandwiches at present, but the Board said his license could cover them in the future. The hours requested are from 6 am - 12 midnight. Mr. Boyle presented the Return Receipt cards and no one was present to speak in favor of or opposition to the application. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the Common Victualer license.

Under Reports, Mr. Logan said that some people have asked to become members of his Economic Development Commission, and if anyone else is interested they can call him at home.

The Town Manager reported that at a meeting of the Mass. Municipal Association and State Treasurer it was learned that the final payment of Local Aid will be paid by June 30th. We are still waiting for the Senate Ways and Means Committee.

Mr. DeFreitas said as a Public Service Announcement he wants to remind all citizens that they have the right to vote on the 5 override questions tomorrow, and added let the vote be close due to a large turnout.

Peter Lawlor was present in the audience and asked the Board their position on the overide questions.
Mr. Ready said he supports all 5 questions.
Mr. Logan said he will vote as is his private right. As a new Board member he voted Present on placing questions on the ballot because he was not familiar with the budgets.
Mr. De Freitas said he has taken a private stand against the overrides, but privately he can support some of them.

Mr. Johnson said that as elected public officials the Board sometimes has to take a stand that they don't want to. We have attempted a number of overides and all have failed - how far can we go and not decimate the Town. He supports all 5 questions with the caveat that he hopes this will not be an annual event.

At 7:50 pm a Public Hearing was held on the application of Carol and John Kirwin for a Common Victualer's license for Blondie's Convenience Store, 313 Littleton Road. They want to serve frozen baked goods that will be baked on the premises to compliment coffee. They are asking for the hours of 8 am - 9 pm Monday through Saturday. They presented their Return Receipt cards and when asked said that "Blondie" is their daughter. Mr. Blomgren suggested that they include Sunday in their hours in case of a big event when they might want to stay open. No one present spoke in favor of or opposition to this application. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve this Common Victualer's license.

Under Other Business the Board discussed the vote on User Fees for Trash and Recycling. Mr. Lynch explained the proposed fees. Mr. Blomgren said that $61,600 is administration - the cost of a full time or equivalent clerk, preparation of bills and tags and upgrading the computer system. He asked about adminstration fees for recycling and Mr. Lynch said the user fee of $30 is based on 70% of the households participating, or about 6300. Mr. Blomgren said that if there is only 50% participation we probably need a $40 - $50 fee. Mr. Lynch said that we want to insure that we can cover the cost and don't want to drive people away from recycling. If the override for a $13 average tax increase fails then we will have to charge $30.00 (70% rather than 100% participation). Barbara Scavezze said that if 50% of the households participate we will have a $54,000 defecit but if 85% participate we will have a $45,000 surplus.
Mr. Johnson asked how other Towns are going and Mr. Lynch said more and more are going towards curbside recycling and the State is pushing towards their goal of mandatory recycling. Mr. DeFreitas said he feels if the override fails that less than 50% of the households will pay to recycle. Mr. Lynch said if less than 50% the Town will have to pay the defecit. Mr. Blomgren said that Ms. Scavezze has $50 - $60K in contingency fees in the trash account so there is no compelling reason to vote tonight. Ms. Scavezze said she wants to get the bills to the printer by the end of June. Mr. Blomgren said he wants to see reps from Laidlaw and BFI come in and talk the economics of recycling and he feels the Town is more than meeting the state mandates. Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, that the Board approve an annual trash fee of $80.00 per household. Mr. De Freitas said he wants the Town to get out of the trash business and if we are taking taxes to subsidize user fees, he doesn't think that is legal, that fees are supposed to be self-sustaining. Vote on the $80 fee was 3 in favor, 2 opposed (Mr. DeFreitas and Mr. Blomgren).

Motion by Mr. Logan, seconded by Mr. Johnson, to approve $1.15 for trash stickers. Vote was 3 in favor, 2 opposed (Mr. De-Freitas and Mr. Blomgren).
Motion by Mr. DeFreitas, seconded by Mr. Blomgren, to establish the recycling user fee as soon after the election as possible, and prior to the next BOS meeting. Mr. Ready and Mr. Johnson said they are prepared to vote tonight, on the assumption that the override fails. Vote on the motion was 3 in favor, 2 opposed (Mr. Ready and Mr. Johnson).

A Public Hearing was held on the application of Old MacDonald's of North Chelmsford, Inc. for an All Alcoholic License, Common Victualer license, Weekday and Sunday Entertainment licenses. Mr. Logan excused himself to sit in the audience per his statement on April 8, 1991 and Mr. Blomgren excused himself for personal reasons. Attorney Charles Perkins represented the applicants and presented an Affidavit and Return Receipts. Mr. Perkins said that they want to run a family style restaurant only serving chicken and gave the Board copies of reviews from Mass. and Rhode Island papers of the restaurant they presently own in Swansea, MA. They are asking for the bar and lounge only to supplement the food, and expect to make only 15% of their profit from liquor and 85% from food. Mr. Johnson said he wants to see the restaurant in operation first, before he grants an entertainment license. Mr. Perkins said they want this license for functions, such as music at wedding receptions. He added that Charlene Labbe, the Manager, has worked in the other restaurant for 3 years, and the restaurant business for 12 years. Mr. Perkins explained the family style, limited menu, and said that his clients are planning to spend $100,000 to bring the building up to code and have met on site with all the Boards and Departments. He added that they want the liquor license changed from a 2:00 am closing to a 12 midnight closing and the license is being pledged as part of the financing.
No one present spoke in favor, and Greg McKenzie, 132 Princeton Street, said he was opposed. Frank Martin, 140 Princeton Street, was present and also had written a letter to the Board, questioning the hours of the lounge and the noise problem with the volume of the music. Mr. Perkins said that this restaurant will be of a totally different character, with the function room in back. Mr. Johnson said that everyone is trying to cooperate and if the neighbors have complaints the Board will take steps to solve the problem.
Chairman Ready closed the hearing at 8:50 p.m. and said the Board will vote at the next meeting.

A meeting date was set for June 10, 1991 at 7:00 pm to vote on the recycling user fee only.

Under **Other Business, Mr. Ready** said that street signs keep disappearing and if anyone finds one they can drop it off at the Highway Garage on Richardson Road with no questions asked.
He said that the Chelmsford Businessmen's Association have requested signs for the local hotels on the highways, and referred to a letter from John Harrington to Carol Cleven requesting signs for the Radisson and Howard Johnson's. He asked the Board to send a letter of support to Mrs. Cleven, Mrs. Hicks and the State DPW. Mr. Lynch said it is against DPW policy to put these signs on interstates unles they are grandfathered, but he will pursue the matter. Motion by Mr. Logan, seconded by Mr. De Freitas, unan. to implement the Businessmen's correspondence.

Mr. Logan moved that the Board request from Town Counsel an opinion as to whether the Town is at fault financially for the $50 fee for residents who signed with Yankee. Mr. Blomgren said it is the Town's intention to help in some way residents who signed with Ynkee, maybe free service for FY92. Mr. Johnson said we have a moral, if not legal, obligation. Mr. Lynch told the Board that the issue is already before Town Counsel.
Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. that Yankee Disposal and any affiiliates be banned from doing business in the Town and will be issued no new licenses until they make restitution to their customers. After more discussion and various motions made and failed, Mr. Ready stepped down from the Chair and moved that the Town Manager write to Town Counsel restating the concerns that the Board has with Yankee Disposal, seconded by Mr. Logan, unan.

Motion by **Mr. Blomgren**, seconded by Mr. Logan, unan. that any discussion of a flagman by-law be deferred until the Spring Annual Town Meeting.
He asked that Vicki Johnson be scheduled to receive a Certificate of Appreciation for her work with the C.A.D.A.C.
Mr. Blomgren requested that the State be asked to replace the Westford/Chelmsford sign on Route 110, and that the DPW be asked to replace street signs on Wagontrail Road and Elizabeth Drive.
Mr. Blomgren commented that the tennis courts at Varney and McCarthy are in excellent shape but that the court at South Row School has a big crack.
He will provide a BOS banner for the Board at the 4th of July Parade and will recruit people to carry it.

Mr. DeFreitas asked to introduce a **policy** on compensation, with salary increases based on performance and fiscal responsibility for managerial staff to be reviewed and voted by the Board at the next meeting.
On the licensing procedures prepared by the Adm. Asst. the Board will hold a Work Session sometime in the future.

On the **appointment of a Town Accountant** Mr. Ready said that it

has been narrowed down to two finalistss and asked for nominations. Mr. Logan nominated **Bernard Meyler**, seconded by Mr. DeFreitas. Mr. Blomgren nominated **Charles Mansfield**, seconded by Mr. DeFreitas. Vote was as follows: Mr. Logan - Meyler; Mr. DeFreitas - Meyler; Mr. Johnson - Meyler; Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to make **Mr. Meyler's appointment** unanimous. It is hoped that he will start in two weeks and Mr. Ready will negotiate a contract with him.
Mr. Lynch said he will have conract awards at the next meeting.

Under **New Business Mr. Logan** said he sent a letter to the Town Treasurer on April 30 asking that his stipend as a Board member not be paid to him but added to the Debt and Interest line item. **Mr. DeFreitas** said he will designate his stipend at the next meeting.

Mr. Blomgren asked that the Highway Department make some Drug Free Zone signs for C.A.D.A.C. and they will pay the cost.

Mr. Blomgren asked that a letter be sent to Rene LaRouche thanking him for his suggestion to rename part of Grove Street Summer Street.

Press Questions will be added to the agenda in the future.

Mr. Ready reminded all residents that tomorrow is **Election Day** to vote on the override questions.

At 9:25 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Edith E. Carter

RECEIVED
91 JUL 18 PM 4:30

Executive Session of the Board of Selectmen held Monday, June 17, 1991 at 9:40 p.m. to discuss collective bargaining. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch and Administrative Assistant Judith Carter were also present.

Mr. Ready said he has asked Mr. Lynch how to get away from the Town paying 100% of his health insurance, as has been done during FY91. Mr. Lynch said he would give up the 100% paid premium in exchange for a time extension of his contract and conversion of the reimbursement to salary. He has also said he will give back 5% of his salary this year. His FY92 salary would be FY91's $66,500 plus the health insurance reimbursement conversion or $69,140, of which he would give back 5% for FY92. The annual salary through December 31, 1994 would be the current year's salary plus merit increases, if there is money available. Also effective FY93 he is asking for 6 months severance pay.

Mr. Johnson said he wants to get rid of the health insurance issue to quiet the unions, who are protesting the 100%. It will also give Mr. Lynch more strength to negotiate with the unions if he is in a longer contract.
Motion by Mr. Johnson, seconded by Mr. Logan for discussion, to accept the proposal as presented by Mr. Lynch. Mr. DeFreitas commented that it still would take a 4 to 1 vote to get rid of him, and Mr. Ready said that the difference in severance pay is from 3 months to 6 months.

The Charter requirement that the Town Manager move to Town was discussed, and Mr. DeFreitas said we are sweeping the issue under the rug and wants to vote a waiver in Open Session.

Vote on Mr. Johnson's motion to accept Mr. Lynch's proposal was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
91 JUL 18 PM 4:29
TOWN OF GREENFIELD
MARY E. ST. MLAIRE
TOWN CLERK

Special Meeting of the Board of Selectmen held Monday, June 10, 1991 at 7:00 pm. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

The purpose of the meeting was to vote on the Recycling User Fee, discussed at the meeting of June 3rd, at which time it was agreed if the recycling override failed on June 4th, a meeting would be held tonight to set the fee.

Motion by Mr. Logan, seconded by Mr. DeFreitas, to set the fee at $30.00 for FY92, with a review at 3 to 6 months.
Mr. Logan said he was satisfied that questions had been answered and that a 3 months review is a good check.
Mr. DeFreitas is concerned with the Town's exposure.
Mr. Johnson said he has heard both sides and will keep his word. He approves of the review at 3 - 6 months and feels that Town Meeting appropriated the money because of environmental concerns.
Mr. Blomgren is concerned with what is being voted - that there is no second leaf collection or mini drop-off. He asked what does a 3 month cut-off involve - termination? He doesn't feel that is legal once an appropriation has been made.
Mr. Ready said he supports recycling and the Town Meeting did vote to appropriate the money.

The vote on Mr. Logan's motion to set the fee at $30.00 was 4 in favor, 1 opposed (Mr. Blomgren).

The meeting adjourned at 7:45 p.m.

For the Board of Selectmen, by

RECEIVED
91 JUL 18 PM 4:29
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, June 17, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Blomgren. Mr. Johnson joined the meeting at 7:30 p.m. Town Manager Bernard Lynch was also present.

During the Open Session residents of The Meadows, Brick Kiln Road, were present with a petition for the Board requesting signage. Robin Charbonniere spoke for the group, stating that a child had been hit by a car while waiting for a school bus and is in a coma. There are no signs indicating that there are children in the area and the residents want signs indicating that this section of the roadway is residential, not commercial. There are 50 children in the area, and they are asking for Slow - Children, School Bus Stop and Handicapped Child signs. Mr. Ready said the Board will vote for this signage during the regular portion of the meeting.

Jeff Stallard, 146 Tyngsboro Road, was present to ask the Board about the Veterans' Memorial Park site, noting that the work is coming right along and asked if there would be HUD money available for parks and recreation - he knows that we spent $17,000 on Southwell Field and asked how much money could be donated to the Park. He would like to see it completed by Independence Day. Mr. Ready asked the Town Manager to come up with some answers by the next meeting.

Chairman Ready called the meeting to order at 7:30 p.m.

The Town Manager reported on the latest State Aid figures, saying that it is bad because there has been a larger cut in local aid, that using the per capita formula hurts the suburbs and that capped off lottery proceeds hurts the cities and towns. It is good because they have eliminated the Governor's proposal to eliminate paying 10% towards teachers' retirement.

At 7:35 pm the Board met with Donald Quebec, Manager of the North Chelmsford American Legion Post 313. They want to install 2 video machines - one pinball bowling and one golf-type - to keep the members' interest. Mr. Ready asked if they pay off, and Mr. Quebec said they might pay an additional game. Mr. Logan commented that the Police Chief and Building Inspector have both approved. Mr. Quebec said the games will be within the confines of the bar area, for members only. Mr. Blomgren asked what about the Board's moratorium on games of this type and Mr. Lynch said it was challenged, that the Board has to make a judgment on each individual case. Mr. Ready then read a letter that the Town Manager's office had sent to the Legion regarding complaints of alcohol abuse and a high noise level. Mr. Quebec was told they should apply for an expansion of their premises if they want to serve alcohol outside.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the applications for the two Automatic Amusement devices at 90 Groton Road.

The Board then met with Peter Frietag, representing John McGovern, Chelmsford Mobil, who had applied for a Common Victualer's license at 95 Chelmsford Street to allow them to serve coffee. Mr. Ready said that they tore out the tanks and didn't check with the Board. Mr. Frietag said that they put in 3 new 10,000 gallon fiberglass tanks, upgraded the facility and put in a snack shop, Mr. Ready asked if they went to the Conservation Commission and Mr. Frietag said all the permits were obtained, including the Health Inspector and the Fire Chief. They are only selling coffee and pre-packaged items. Mr. Frietag said he did not have the green Return Receipts but would check with Mr. McGovern. Mr. Johnson said he has a problem with the process, that Mr. McGovern didn't come to see the Board about changes at the station. Mr. Ready said he expects local dealers to know the local rules, and that large oil corporations have legal resources to learn local rules.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to approve the Common Victualer license contingent upon receiving the Return Receipt cards. Vote was 4 in favor, 1 opposed (Mr. Logan).

At 7:50 pm Ed Jouki, representing his wife Patricia, was present at a Public Hearing for a Common Victualer's license to be exercised on the premises at One Village Square. location of the former Gourmet Express. Mr. Jouki said they want to operate the restaurant the way it was, as a deli with sandwiches for lunch, for 4 - 6 weeks and then decide which way to go. Mr. Ready asked if they know there is still a license on the premises, in the name of the previous owner, and Mr. Jouki said that Joe Motzi has been evicted and gone out of business, so he can't go back to the premises.
Mr. Logan then stepped down, since there is a question of liquor involved.
Mr. Ready said that in order to approve this license we must revoke the existing Common Victualer's license and the existing Beer and Wine license, although this application is strictly for a Common Victualer license. Mr. Lynch said the Board should stress that this is a conditional approval, based upon the ultimate revocation of the other two licenses. Mr. Johnson asked Mr. Jouki for his experience and he said he has been in the business since 1972, with restaurants in Marlboro, Hudson and Sudbury, but none with a Beer and Wine license.
No one present spoke in favor of or opposition to this application.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant Ed and Pat Jouki a Common Victualer license for One Village Square, conditional upon the revocation of the Common Victualer license currently issued to Joseph Motzi, Gourmet Express. The vote to revoke will be scheduled for July 15th, with notice being sent to Mr. Motzi of the intent to revoke his licenses. Vote was 4 in favor.

Bob Flynn, Executive Director and Steven Boudreau, Chairman of the Northern Middlesex Council of Governments met with the Board to discuss future projects and interlocal cooperation. They explained that the council has changed names from the Northern Middlesex Area Commission to the Northern Middlesex Council of Governments and expanded from a regional planning agency to a regional council of governments, which means a more vibrant, active council which now goes beyond planning aspects. Mr. Ready said he knows that the County has asked them to do a study on recycling.
Mr. Boudreau said they are looking for regional solutions to State and community problems. Mr. Ready asked if they are looking into regional dispatchers and was told No, but they are looking into purchasing, inspectional services, engineering, all of which could be done on a regional basis although there are some issues still best done on a Town to Town basis.
Mr. Flynn said that the legislation didn't expand the powers of the council. Mr. Boudreau again went over the areas that Mr. Flynn is looking into, including regional septage management, and added that recycling is difficult because different communities are moving at different paces.
Mr. Ready asked if there is any grant money available for building a Veterans' Park, and Mr. Flynn said he wil find out.
Mr. Boudreau said the Town shouldn't be shy but come forward with ideas.
Mr. Johnson asked for a status report on the Graystone Pond Project and was told that they are not very active in pursuing negotiations with Westford. Mr. Flynn said they will have to come back with a Phase I Study, which will have to be definitive.

Under Reports, motion by Mr. Logan, seconded by Mr. Blomgren, unan. that the Traffic and Safety Committee be sent a copy of the Brick Kiln Road petition to be placed on their July agenda.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to ask the Safety Officer for both short term and long term solutions for the signage problem on Brick Kiln Road, and also ask the Police Department to patrol more for speeding.

Mr. DeFreitas reported that he has received a lot of phone calls regarding his vote to approve the recycling fee and said he voted yes because it will be reviewed in 3 months.
He then asked the Town Manager to explain the position of Highway Superintendent.
Mr. Lynch said that the person will directly supervise the Highway Department, that our roads are worth $100 - $120 million and he will supervise road repairs and drainage work, signage, brush cutting, etc. The Supt. performs a variety of functions, and we are using more contractors who need direction and coordiantion. We have redeployed some of our resources, and can cut back on overtime to the Highway foremen. He feels the

position is a key part of the Public Works Dept. and we have advertised in the Globe, Sun and local papers. Jim Pearson will actually make the appointment, subject to Town Manager approval.
Mr. Johnson said there is the appearance to the Community that the workload is not like that in 1981, and maybe the DPW Director could continue to fill the position. Mr. Lynch said that we are not filling the position because the money is there - the money is there because we need to fill the position.
Mr. Blomgren said the real cost of the position is about $50,000, and this should be a leadership position on the part of the Board. Mr. Blomgren moved that the Board direct the Town Manager indicating that it is our strong preference that he delay filling this position until September 1st, seconded by Mr. Johnson for discussion. Mr. Johnson said he doesn't feel we have to make this motion, that Mr. Lynch has heard from 3 Board members.
Mr. DeFreitas said he agrees with the time delay but doesn't think we need a motion - the Town Manager should take what the Baord says under advisement.
Mr. Ready said he would vote against the motion, that the Board can be a sounding board for the Town Manager, and asked Mr. Blomgren if he wants a vote on his motion.
Mr. Logan said from his experience on the Finance and Traffic and Safety Committees he supports the appointment of a Highwy Supt. and Mr. Lynch said that this is not a small operation, with a budget of 1.5 - $2 million we need a proper person to manage it.
Mr. Ready said we told Mr. Lynch to act if he needed a Highway Supt. and he has done it and the FinCom and Town Meeting have approved the spending of the money.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to amend Mr. Blomgren's motion to say "strongly consider" rather than "direct". Vote was 4 in favor, 1 opposed (Mr. Logan).

Mr. DeFreitas said that he wants to give his **stipend** to the School Department to support a course in Computer Music.

Under **Reports, Mr. Johnson** said we want to ask the media to play up the fact that the **4th of July Parade** is dedicated to the Persian Gulf veterans and will be the best parade ever.
Mr. Johnson also reported that he has heard rumors re the Lowell landfill and wants the Town Manager to contact Lowell and find out the status of the landfill. Mr. Lynch said he will check with Town Counsel tomorrow.
Mr. Blomgren said he would like an **update on roadwork** on a periodic basis.
He asked for a **report on septage dumping on Canal Street**, and heard that the hauler is going to the Conservation Commission on Wednesday.
He asked if a change in the license to **Williamsburg Motors** was granted and was told that the matter is all cleared up.
Mr. Blomgren said that the **sign outside the Old Town Hall** lists only two names. Mr. Lynch said the building is all leased out and he will get a listing of the tenants.

Mr. Ready said that we have a request from the Friends of Music to sell T-shirts with the Town seal on them at the 4th of July Parade. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to permit them to use the seal.

Mr. Ready reported that we have received a report from Town Counsel stating that we are not responsible for reimbursement to the people who contracted with Yankee Disposal. Mr. Logan read the letter from Town Counsel. Mr. Johnson asked to put the matter on Hold and put it on the agenda for the July 15th meeting.

Mr. DeFreitas said he has heard from Alex Barry, B Street that there is a bobcat loose on B Street scaring children, and wanted to warn parents in that area.

Under Other Business, the vote on Old MacDonald's licenses was scheduled. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant an All Alcoholic, Common Victualer and Weekday and Sunday Entertainment licenses to Old MacDonalds of North Chelmsford Inc. subject to valid Purchase and Sales and/or Lease Agreement. Mr. Johnson stated that the license should be restricted to a 12 midnight closing and that entertainment is for functions only. Vote was 3 in favor, Mr. Logan and Mr. Blomgren not voting since they did not sit on the Public Hearing due to possible conflicts of interest.

Mr. Ready said that the striping on crosswalks looks really poor and asked for a report on striping materials.
He also asked that the Police Dept. be asked to forward an accident report to the Traffic and Safety Committee on an accident on Chelmsford Street last Sat. morning near the Little League fields. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Under Policy, motion by Mr. Johnson, seconded by Mr. DeFreitas, uann. to adopt Mr. DeFreitas' policy presented at the last meeting on compensation for managerial employees.

The Town Manager said he has no appointments tonight but will have at the July 15th meeting.

Under Contract Awards, Mr. Lynch said he has awarded the following contracts:
a. Medical Claims Monitoring and Management Services to Cook and Company (formerly Claims Monitoring) for $13,000 the first year.
b. Wheelchair Lift at Senior Center to CMC Elevator Corp, the second low bidder, since we had to cancel the contract with Phillips Construction Co. because they didn't perform.
c. Wightman Street property - declared a buildable lot and received one bid for $37,000.

d. **Underground Storage Tanks Removal and Disposal** - P R Johnson, to remove 11 school and municipal tanks for $50,193.
e. **Highway Department Materials and Equipment** - as recommended by the DPW Director, all to the low bidder. Mr. Ready asked Mr. Lynch have the Northern Middlesex Council of Governments look into the sharing of large equipment, such as a gradeall.

Under **New Business, Mr. Ready** said we have received complaints that people in the back of the Meeting Room cannot hear the Board and asked the Town Msanager to work with Cable 43 to solve the problem.

Mr. DeFreitas said he is going to make a proposal to establish a Citizens Awareness Committee at the July 15th meeting.

Mr. Blomgren asked the Town Manager to ask the Fire Prevention Officer to review individual underground storage tanks to make sure they meet the codes.

Motion by Mr. Blomgren, seconded by Mr. Logan, unan. ask the Town Manager to pull all 900 numbers going out from any Town phones in the past 6 months and to seek out an access block for all these phones.

At 9:35 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adjourn to Executive Session to discuss collective bargaining.** Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said the Board would not be returning to Open Session.

For the Board of Selectmen, by

Judith E. Cantu

Regular meeting of the Board of Selectmen held Monday, July 15, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session John Harrington was present to complain to the Board about water problems at a building he owns on Chelmsford Street near the Mall. Mr. Lynch said the State is working on the problem since they are installing traffic signals in the area.

Robert Cruickshank, 26 Mt. Auburn Street, and his son Mark were present to ask the Board about the Town flag that Mark designed in 1986, in a contest sponsored by the Chelmsford Elks. One flag was made up, and they would like to see it displayed by the Town and also have some more flags made up. He understands that John Warren has the flag and the Elks say they can't afford to have more made up. Mr. Ready said we will send a letter to the Elks under his signature asking them to bring the flag back to the office.

At 7:10 pm the Board recessed until the start of the regular meeting at 7:30 pm.

Chairman Ready called the meeting to order at 7:30 pm.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of June 3, June 10 and June 17, both regular and executive sessions, and to release the executive session minutes of the 17th.

Finance Director James Doukszewicz was present to have bonds signed by the Board and he discussed the bonding issue. He explained that these are sewer bonds Phase IIB or III, that the Town has paid Weston & Sampson for contracts and also some capital bond items. The bonds were bid out on July 10th and the rate is 6.11%. There will be a considerable savings in interest over the 4 - 10 years life of the bonds. The successful bidder is now selling off the bonds. Mr. DeFreitas as Clerk certified that there are no objections. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to execute the bonds as noted by the Town Treasurer.

At 7:35 pm George Gagan, New England Telephone, was present with petitions:
1. Fletcher Street - they want to place 139 feet of conduit under Chelmsford Street within the next 2 weeks in conjunction with the traffic signalization program. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

2. **Elm Street** - Mr. Gagan explained that no Public Hearing is required, that this is only the transfer in interest in one pole from one utility company to another, that NETCo. wants to sell 1/2 ownership in the pole to Mass. Electric. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
Mr. DeFreitas commented that the 4 poles around Photobank are listing towards the center of Chelmsford Street. Mr. Gagan said their engineer will look at them in the morning and report back to Mr. Lynch.

Under **Reports, Mr. Ready** said that the Treasurer's report on the bond sale showed that it was good that Moody's has given the Town n Al rating, and he read from Moody's Report.

Mr. Ready reported that we are releasing the Executive Session minutes of June 17th, where the Board re-negotiated the Town Manager's contract. The Town is no longer paying 100% of his health insurance premium, the total package is a slight reduction in amount and he received an extension of the contract and an increase in length of severance pay. Mr. DeFreitas pointed out merit increases are not guaranteed, and Mr. Johnson, noting Billerica has just hired a Town Administrator for $73,000, d that the Town of Chelmsford is practicing good financial estraint.

Stella Silvardi, **Massachusetts** Electric Co. was present with a petition to install one pole off Mill Road to feed the Soccer Field irrigation pump at no cost to the Town. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the easement request for Pole 29/1.
Mr. Blomgren commented that there has been an unusually large number of outages in Town this year and asked if they are due to the Quigley Avenue station, and Mr. Logan asked if the long outages are due to transformers. Ms. Silvardi said she will have the Chelmsford engineer contact Mr. Lynch.

Lloyd Greene, Mill Road, was present and Mr. Lynch told the Board that Mr. Greene is the owner and operator of a **hydropower facility** on Mill Road, that he has rehabbed an old mill to produce electricity to sell to Mass. Electric. Mr. Lynch added that the site is of historical and cultural value, that he would like to discuss a tax incentive with the Board and the Board will have to grant an easement. Ten percent of the proceeds of the sale of electrcity will be given to the Town, and in return taxes would be abated on 60% of his property. This would mean a loss of app. $2,400 to the Town but Mr. Greene has invested a large amount of money to this facility, which is unique and historical.
Mr. Greene addressed the Board, stating that he purchased the dam in 1954 and referred to various correspondence between himself and the Town over the years.
Mr. Ready asked if the agreement would run for as long as he is

producing power, and said he thinks that Mr. Greene and his facility are tremendous assets to the Town. Mr. Greene said that this was the "seed mill" of the industrial revolution, that he is now putting out 6 kilowatts per hour with an undersized generator but he has ordered a new one and should get 10 - 13 kwh. He asked the Board to visit the site over the next month and a visit was planned for Saturday, July 20th, at 9:00 am.

Henry Hamelin, owner of property on Fletcher Street, was present and said he wants to address a potential problem. Raising the pavement for streetlights on Fletcher Street has created a **potential water problem** on his property. Town Engineer Jim Pearson looked at the property this morning and said that the Town will take care of it if the State doesn't. The water will drain into his and Dan Gillette's property.
Mr. Ready said that Mr. Hamelin has been very cooperative during the 11 years that this signalization project has been ongoing and the Town has promised to follow through.
Mr. Hamelin said that the area has a history of flooding, the catch basins fill right up and he showed photos taken during last Saturday's rain. The Board asked Mr. Lynch to send a letter to Mr. Hamelin stating that the Town will take care of the problem if the State doesn't and Mr. DeFreitas said we should vigorously pursue having the State fix the problem. Mr. Blomgren suggested we find out the cost first, to protect the Town and Mr. Hamelin and Mr. Gillette. Mr. Logan felt that the Board shouldn't vote until the DPW Director gets back to the Town Manager. Mr. Blomgren said we should note that Mr. Hamelin turned over his photos showing evidence of damage to the Board.

Mr. Ready asked the audience if they could hear better this evening since we put a TV set in the back of the room and the answer was Yes.

Town Accountant Bernard Meyler met briefly with the Board, and Mr. Blomgren gave him a list of what the Board wants and said he wants to go over it with him in the near future.

Under **Reports, Mr. Lynch** said that we have been monitoring the total trash collection and response to the bills that have been sent out and the participation rate appears to be about 70% for trash and 75% for recycling, with roughly 30% of the 9,000 residential units responding so far. To break even we need 6300 households recycling and 8500 participating in the trash program.

Mr. Johnson stepped down from his position as a Selectman and said that he wants to answer for a member of his family who has been accused by innuendo of benefiting from the Town's insusrance. He said that CIGNA, the company we have had for many years, has been most cooeperative on a municipal level. This past month when we went through the bidding process it is a soft insurance market, one company wanted the major market share and bid accordingly and this means savings to over 100 Towns. He read a statement and gave copies to the press.

Mr. Lynch gave several reports:
1. **Local Aid status** - the Governor has signed and we will be down $1.2 mil below last year. We are now looking at an additional $600K if the legislature approves, unless they override the vetoes. Mr. DeFreitas asked what about a local override and Mr. Lynch said we have to decide by August 26th if we want to put it on the ballot. He said the State isn't living up to the commitments it has made regarding aid. Mr. Blomgren asked if we could issue a mandate tonight to cut operating costs by 1 1/2%. Mr. Lynch said that the insurance savings reduce the shortfall to $400K, and he is working with the departments now and will keep the Board updated.

2. **HUD money for the Veterans' Memorial Park** - he will meet with the Committee and can probably give them $5,000.

3. **Summer Intern** - college student Jennifer Howard is doing volunteer work in his office and if there are any other college students who want to intern we can find work for them.

4. **DPW Projects** - Mr. Pearson has given a report to each Board member on work being done on roadways and drainage projects.

5. **West Fire Station** - this has been closed since he was not able to work a compromise with the Fire Union. Six firefighters were laid off and two put on other units to handle the manning language in the contract. Mr. Blomgren asked if it is possible to revert back to a volunteer Fire Dept. if a section of Town wants to organize. Mr. Lynch said that there could be collective bargaining and liability problems, but he is exploring the possibility with Labor Counsel. Mr. Blomgren then asked why not close on a rotation basis, and Mr. Lynch said it is a matter of public safety, that the Chief and officers looked at all the stations and decided that the West section is the most feasible to get equipment to from other stations. Mr. DeFreitas questioned Mutual Aid, saying he has read that Firefighters in some Towns are refusing to respond to it. Mr. Lynch said they are watching the situation closely, since we depend on Mutual Aid for anything over one alarm.

6. **Tax/Trash bills** - due July 31 and August 1. Reval is still an ongoing process and the 3rd quarter will show the actual assessments. Jim Doukszewicz said that the average assessment now of $165 - 170,000 will drop to $135 - $140,000.

7. **Building Permits** - Mr. Lynch said that the number of permits issued is up.

8. **Audit** - FY90 audit was successful, with no problems. Copies of the report are available for review. Mr. Blomgren suggested

that we make the Management Letter part of the Annual Town Report. Mr. De Freitas said we should vote this as a policy on August 19th.

9. **Workers Comp.** - a top priority of the legislature. Our premium could be $100K more than last year, and we are currently negotiating with Mass. Interlocal Insurance.

10. **West Coast Video** - flashing lights in the Historic District. We took legal action and it was successful, thanks to an excellent job done by the Commission and Town Counsel.

11. **FICA** - in May we were told we would have to pay social security for all employees. Our retirement system fought it and it was ruled that our retirement system is OK and we don't have to pay FICA.

12. **Old Town Hall** - we are not making much money on rents but it is self-supporting.

13. **900 Numbers** - we have found no calls made from any Town phone to these numbers but blocks are being put on the phones.

Under **Other Business**, on the revocation of the Gourmet Express licenses, Mr. Lynch said that Joe Motzi has turned all his licenses back to the office. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to accept the surrender of the licenses. Vote was 4 in favor, 1 abstention (Mr. Logan).

Mr. Logan as Chairman of the Traffic and Safety Committee, read a letter from Safety Officer Daley recommending signage on Brick Kiln Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to accept the recommendations and request the DPW Director to have the signs installed. Mr. Logan said that the Committee would like to do more to improve this roadway but has no funds to do so.

Mr. Johnson said that the Board has never overruled the Safety Officer and wants to make a policy allowing the Safety Officer to implement his recommendations, with approval from the Traffic and Safety, without waiting for approval from the Selectmen. This will be presented as a Policy at the next meeting.

Mr. Logan then said his committee has recommended placing a permanent No Right Turn sign from Davis Road onto Locke Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to do so.

A third letter from the Traffic and Safety Committee to the Board recommended the installation of a No Left Turn sign from the short street off Worthen Street onto North Road. Many people are taking a right from the 495 exit, going by Blake's, taking a left and then another left onto North Road. Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to ask the DPW Director to install this sign.

Mr. Blomgren asked Mr. Logan about Parkhurst Road at North Road and he said he had asked the Town Engineer, who told him we would never get an OK from the State for a 4-way Stop.

Public Health Director Richard Day was present for the discussion of Yankee Disposal fee rebate. Mr. Logan said the Board had asked the Board of Health to revoke their license and he wants to let the Townspeople know why their license was revoked.
Mr. Day said the Board of Health spent the summer and fall trying to get Yankee to comply with the new regulations and to follow their contract. They were not picking up as they were supposed to and using improper vehicles. The Board of Health tried to contact the owner but had no response. In December they notified him that his license would not be renewed in January. He also had problems with bonds and insurance and violated prior regulations in his operational practices. Mr. DeFreitas questioned whether customers were informed that he had a "conditional license". Mr. Johnson asked what was inspected and Mr. Day said their truck. Mr. DeFreitas said he feels that the Trash Rules and Regulations discourage competition so there is only one private trash hauler, and asked if commercial haulers are subject to the rules. He added that he would like to see rebates come from the Board of Health budget. Mr. Blomgren added that our regulations are very restrictive, the most restrictive in Mass. for residential hauling. Mr. Day stated that the Board of Health was put in the middle of drawing up regulations in a rush, and they have now slightly modified them. Dozens of complaints from customers made us look into revocation of their license.
The Board then discussed taking action on rebating fees to Yankee customers. Mr. Blomgren said he doesn't want to set a precedent but feels we owe them something, although Town Counsel says don't do anything. Mr. DeFreitas said we could put it on the warrant for Town Meeting. Mr. Lynch read the letter on independent trash haulers sent to all residents last year.
Mr. Blomgren moved that the Town offer 4 months in kind service to those who suffered a loss from Yankee, seconded by Mr. Logan for discussion. Mr. Logan said he feels the Board of Selectmen is a leadership body, that this would set a dangerous precedent and any resident dealing with anyone licensed by the Town could hold the Town for reimbursement. Mr. Johnson said he feels differently after reading the statement in last year's brochure that the Town does not endorse any trash haulers. Mr. DeFreitas stated that we can't use fee money for reimbursement without approval of the subscribers, and Yankee should pay. He amended the motion to state that service in kind be restricted to appropriate legal action to get reimbursement from Yankee, seconded by Mr. Johnson. Vote on the motion was 1 in favor (Mr. DeFreitas), 4 opposed.

Mr. Blomgren suggested that Yankee customers get a petition to the Town Manager by August 1 for an article for the Town Meeting Warrant to get legal help in funding action against Yankee.

Under **Other Business, Mr. Ready** asked about the bid RFP's for the **North Town Hall**, and Mr. Lynch told him that we have stalled on this due to other bids - insurance, etc. but hopefully will be ready this fall.
Mr. Ready asked that **missing street signs on Regina Drive** be reported to the DPW.
He asked that John Harrington's potential water problem be included with Hamelin and Gillette.
Mr. DeFreitas asked what is the **policy** re **speed chases by the Police Dept.** and Mr. Lynch said the policy is to avoid when possible, that the policy and procedures were adopted in December, 1975 and that he is awaiting a full report from the Chief.

Under **Appointments, Mr.Lynch** said that he has appointed Bruce Symmes of Danvers as **part-time Assessor** at $10,500 per annum. He gave his background and explained the changes in the position, that he will be dealing with the Appelate Tax Board.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to aprove this appointment effective August 1st. Mr. DeFreitas asked if he will still remain Chief Assessor for Danvers and was told yes, that he will work 10 - 15 hours a week for Chelmsford. Mr. Doukszewicz said his main responsibility is to do 1/3 of the update for re-val.

Motion by Mr. Johnson, seconded by Mr. Logan, unan. to **approve the slate of appointments recommended by Mr. Lynch.**

Under **BOS Annual Appointments**, motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to appoint Mr. Logan as the Board's rep. to the Northern Middlesex Council of Governments.

Mr. DeFreitas asked to take the **Town Counsel appointment** out of order, stating that he may have a potential conflict since his wife prepares Mr. Harrington's payroll. **Mr. Blomgren** asked to put this appointment on **Personal Hold.**

Other appointments were approved as presented.

Under **Contract Awards** Mr. Lynch read the list of bidders that he is recommending for the Town's **insurance.** Under the **Collaborative Gas Bid** done by the Town of Andover the bid was awarded to Global Petroleum.

Under **New Business** a meeting will be posted for 9 am Saturday for a tour of Lloyd Greene's hydropower facility.

Mr. Blomgren said that Lisa Nevans, Independent Reporter, is taking an educational leave of absence and moved to send a letter

of thanks and good wishes, seconded by Mr. DeFreitas, unan.

Mr. Blomgren said he endorses the work done by Mr. Logan to promote new business in Town. Mr. Logan will update the Board at the August 19th meeting.

At 10:10 pm Mr. Ready asked for a **Moment of Silence for George Baxendale, former Cemetery Superintendent,** who passed away last week.

Mr. DeFreitas said he will be contacting the State Ethics Commission because his wife's company processes Town Counsel's payroll and also because she rents space from the Town at the Old Town Hall.

At 10:15 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye and Mr. Ready-Aye. Mr. Ready said the Board would not be returning to Open Session and there would be no announcements.

For the Board of Selectmen, by

Linda E. Carter

Regular meeting of the Board of Selectmen held Monday, August 26, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Ms. Ina Greenblatt, 99 High Street, was present to express concern about a "Do Not Enter" sign on Acton Road, at the section of High Street running from Acton Road to Bartlett Street. She claimed that according to the DPW and the courts the sign is illegal, that there are more young children and traffic on their section rather than little High Street. Selectman Logan said that as Chairman of the Traffic and Safety Committee he had requested that the sign be put back up, that it was at the request of residents of High Street and discussed at the Committee's last meeting.
Dr. Lawrence Fadjo, High Street resident, said he is one of the residents who requested that the sign be put back up and that he has letters from other residents. He feels that removing the sign will increase the traffic and danger to small children.
Gerrick Vander-Heide, 52 High Street, said he wrote a letter to Boston in 1979 re the Town arbitrarily placing signs, he feels there should be a Public Hearing before signs are put up and he has a petition signed by 80 people. He added that it is safer to cross Rte. 27 than to get into traffic around the Mobil station, and they should try to slow down traffic from Robin Hill Road towards High Street.
Mr. Ready asked the Traffic and Safety Committee to hold a Public Hearing at their September 11th meeting on the High Street sign.

Harry Rubenstein, 15 Fairbanks Road, spoke to the Board about the new quarterly tax bill system, stating that he has been a taxpayer for 30 years and there has been no problem with taxes until the Town made this arbitrary decision 6 - 8 months ago to pay taxes on a quarterly basis. He feels this is an arrogant abuse of the offices of Teasurer and Town Manager and that bills should be sent out and paid when due. He asked the Town to come up with some method of sending bills - we don't necessarily need quarterly billing but we need more than a semi-annual notice. Mr. Lynch said that he and the Treasurer are looking into other ways of billing.

Chairman Ready called the meeting to order at 7:30 p.m. and asked for a Moment of Silence for Catherine Curran, former Town employee who passed away on August 12th.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the July 15th meeting, both Regular and Executive.

At 7:35 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr.Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

they stop serving food at 10 - 11 and keep serving drinks until 1:00 am.
Motion by Mr. DeFreitas, seconded by Mr. Blomgren for discussion, to grant an extension to 1:00 am.
Mr. Blomgren said he feels we should have a public hearing - he is concerned that they are coming in so soon to ask for an extension, but he would support 12 midnight based on consideration for the neighborhood for a trial period. Mr. Holmes said there have been no problem with the neighbors. Mr. Ready told him that the license was restricted when he purchased it and when it was originally granted there were restrictions because of the residential neighborhood.
Mr. DeFreitas amended his motion to 1:00 am Thursday thru Sat.; Sunday thru Wed. - 12 am, seconded by Mr. Johnson. Vote was 2 in favor (DeFreitas and Johnson), 2 opposed (Blomgren and Ready). Motion failed. Motion by Mr. Johnson, seconded by Mr. DeFreitas, to make the closing time midnight every day. Mr. Holmes conferred with his client, who said this was not acceptable. Mr. Holmes asked for a letter of denial of his original proposal.

John Warren was present to talk to the Board about the Town flag. Mr. Ready was given the flag by the Ruler of the Chelsmford Lodge of Elks earlier. Mr. Warren said he is not representing the Elks tonight, and said that in 1986 the Elks ran a contest in the 6th grades to have a Town flag designed. Only one flag was made up, which was presented to the Town on July 4, 1986. The flag was loaned out by the Selectmen's office on several occasions and Mr. Warren finally took it to his home for safekeeping. He couldn't get the funds raised to have more copies made and apologized to the Cruikshank family. Mr. Ready showed the flag and asked the Town Manager to put it in a safe place. John Harrington, who was present, will bring the request for funds to the Businessmen's Association. Mr. Warren said that 5 years ago the cost was $1600 for 75 copies, including the master. Mr. Ready asked Mr. Warren to be chairman of a committee to try to raise funds, and maybe ask the Holiday Decorating Committee to act as a condult.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to have Mr. Warren ask the Holiday Decorating Committee if they would have any interest in helping with this project, ask the Town Manager to put the flag in safekeeping and give Mr. Warren permission to utilize the flag to get estimates.

Mrs. Ruth Delaney, Chairman of the Chelmsford Housing Authority, was present to ask the vote of the Board endorsing the Authority's position on Section 8 Housing - that Section 8 monies coming in to the State would go to local housing authorities, rather than non-profit agencies like CTI. This would give Chelmsford residents priority, and we now have 102 Section 8 units.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. that the Board endorse the CHA proposal to channel Section 8 monies through the local authority.

Mr. Johnson asked that the Traffic and Safety Committee discuss this at their September 11th meeting. Mr. Logan withdrew his motion and asked residents of the area to attend the September 11th meeting of the Traffic and Safety Committee. He asked the press to publicize the two hearings that night.

Mr. DeFreitas reported that he has received a letter from Hal Matzkin of the Personnel Board enclosing a letter from Will Perry and asked the Town Manager to ask the Personnel Board to review Mr. Perry's letter. Mr. Lynch said that they are already doing so.

Mr. Johnson said that the Town was fortunate that Hurricane Bob wasn't too severe and wants to compliment the DPW and Civil Defense Team for a fine job and Walter Hedlund particularly. He also wants to compliment the Town on good public relations in allowing people to dump brush at Crooked Spring Reservation and to provide a brush pick-up.

Mr. Blomgren said he received a letter from a resident on how we use Police equipment, and is there a stated policy for the use of Town equipment on non-Town business.
Mr. Lynch told him that the Police Chief had decided that for public safety reasons he authorized the use of a police cruiser for a funeral escort. He has sent a memo to the Chief not to send cruisers out of Town and any use of a cruiser outside Town for non Police business must be authorized by the Town Manager.

On the question of **parking at the Old Town Hall Mr. Lynch** said that there are 2 conflicting forces - people who pay rent vs. merchants who have used the spaces for years. We have put up signs reserving spots for tenants.

On the **vote on Lloyd Green's hydropower plant**, the new tax split will be 50/50. Mr. Blomgren asked Pat Daley to put a sign on Raymond Road "Blind Drive Ahead" before we vote. Mr. Lynch said he will meet with Mr. Green after Labor Day to iron out the rest of the details. The vote will be put on the agenda for September 16th.

Mr. Lynch reported that he wants to thank Mr. Johnson for his kind words for the Town Departments during Hurricane Bob, that he too feels that they all did an excellent job. We spent app. $12,000 in overtime and declared a State of Emergency immediately and it was just lifted today, so we can seek reimbursement.

The Board asked to have Walter Hedlund come to the September 16th meeting to discuss the Hurricane.

Mr. DeFreitas reported that there is a large pothole on Stedman Street that should be fixed by the DPW.

Mr. Lynch reported that there is a major renovation going on at the Ericksen property on Chelmsford Street and Dr. Michael Sargent needs a street opening permit to install water to the new building.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, unan. to waive the street opening requirments and grant this permit.

Mr. Lynch reported that there is an easement problem on lot 27, Natalie Road, a road which was accepted at the last ATM. A home was built on a small portion of our drainage easement, and if we grant a slight change in the easement it would clear the title.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the change in the easement.

Mr. Lynch reported that he is still compiling numbers for the FY92 budget, that there was a $639,000 shortfall, which is now down to $175,000 - $200,000. $100,000 will have to be cut from the school side, and $75,000 from the Town side. He will ask for a 2 1/2% reduction in all Town expense accounts. We have adjusted our revenue receipts.

Country Club USA has applied for a 3-day Beer and Wine license for September 6, 7 and 8. Selectman Logan stepped down from this discussion. Owner David Cunha was present and told the Board that they are having tour players playing in tournaments and the most successful events offer at least beer and wine. If we want to get them back we need some type of libation. There are about 100 participants. He is requesting the hours of 12 noon - 12 midnight, and said he has had a liquor license in another Town for 15 years, and will have 2 experienced bartenders.
Mr. Johnson said he as a problem granting a temporary license to a profit organization because the liability can fall back on the community. Town Counsel Harrington said the Town can't incur any liability in granting this license.
Mr. Cunha said that the tournament won't be advertised and will be a basically closed event. He said he can get written persmission from the property owner and will stop serving at 10:00 pm if the Board wishes.
Motion by Mr. Blomgren, seconded by Mr. DeFreitas, to grant this license for 3 days, with the hours of 12 noon - 10:00 pm with written permission from the property owner and making the Police Dept. aware of the program. The vote was 4 in favor, Mr. Logan not voting.

Mr. Lynch told the Board that we have received a Notice of Intent from the Sheehan family under MGL 61A. sec. 14. The property is now protected under the Conservation Restriction and is only for agricultural use. The Town has the right of first refusal if they want to sell any portion of the land. They have carved out two lots that they can sell for $68,000 each, and the Town can buy the lots for the same price. There would still be 29 acres

of land for agricultural purposes. Mr. Ready asked if we can check the price on the property, he thinks it was sold for $30,000. Mr. Ready suggested that we reserve an ATM article, and put the vote on the agenda for September 16.

On **Policy, Mr. Logan** said he will discuss a new policy re hearings before the Board of Selectmen at the Sept. 16 meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the policies discussed at the last meeting: 1. to include the Auditor's Management letter in the Annual Town Report; and 2. to inmplement any recommendations of the Safety Officer immediately as long as they have the approval of the Traffic and Safety Committee.

Under **Appointments**, Mr. Lynch recommended that the Board appoint **James M. Harrington as Town Counsel**. Mr. DeFreitas did not take part in the discussion or vote due to a possible conflict of interest. Mr. Lynch said that Mr. Harrington has agreed to an annual rate of $60,000, payable monthly for up stdo 800 hours per year, with a buffer of 200 hours at $75.00 per hour. He told the Board that this fee is below average for a community of our size. Motion by Mr. Logan, seconded by Mr. Joohnson, to reappoint James M. Harrington as Town Counsel using the Town Manager's proposal of a flat fee with a monthly accounting of hours. Vote was 4 in favor, Mr. DeFreitas not voting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to appoint the **Deputy Constables and Emergency Management Committee** as recommended.

Under **New Business Mr. DeFreitas** said that the hurricane knocked a tree over onto a right of way from Evergreen Street to Eastgate Plaza and should the Town take care of it.

Mr. Blomgren said that re the **trash RFP** he asked to Town Manager to bring a new draft to the Sept. 23 meeting, with line items for recycling separate, and go out to bid asap. Mr. Lynch said he will try to have the bids in by Jan. or Feb.

Mr. Blomgren said that the **new trash regulations** are not much different from the old ones. He moved that the same restrictions on residential haulers be imposed on commercial haulers and also have a clause in the contract identifying where waste is being taken. Seconded by Mr. DeFreitas, unan.

Mr. Ready asked that a **discussion of warrant articles** be placed on the agenda for September 16.

Mr. Blomgren asked that Barbara Scavezze be asked to the Sept. 16 meeting to discuss how the trash and recycling programs are progressing.

Mr. Blomgren asked that Fire Captain Michael Burke be asked to the Sept. 16 meeting to discuss the removal of underground storage tanks.

It was requested to have Mass. Electric and New England Telephone attend a meeting in app. 6 weeks to discuss outages both before and during Hurricane Bob.

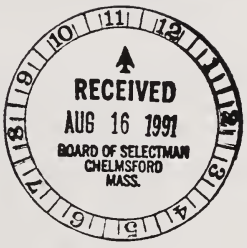
At 10:40 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

MIRICK, O'CONNELL, DEMALLIE & LOUGEE
ATTORNEYS AT LAW
1700 MECHANICS BANK TOWER
WORCESTER, MASSACHUSETTS 01608-1477
508-799-0541
FAX: 508-752-7305

August 15, 1991



VIA FAX AND FIRST CLASS MAIL

James Harrington, Esq.
Town Counsel
Town of Chelmsford
4 Courthouse Lane, Building A
Chelmsford, MA 01824

RE: Milton Kinney - Employment Grievance

Dear Mr. Harrington:

I have reviewed the letter of Attorney S. James Boumil on behalf of Milton Kinney, dated August 6, 1991, complaining of certain actions of the Town. After evaluating the legal and factual accuracy of the allegations set forth in Mr. Kinney's complaint, it appears Mr. Kinney's claims are groundless and lack any foundation in fact or under the law.

The crux of Mr. Kinney's allegations concern Mr. Kinney's resignation as a local inspector and his subsequent appointment by the Town Manager as a Police Department dispatcher. In sum, Mr. Kinney asserts that he was improperly required by the Town Manager to resign as a local inspector in order to be appointed as a dispatcher. It is my understanding that neither the position of dispatcher nor local inspector in the Town of Chelmsford are under the State's civil service statute, Chapter 31 of the General Laws. It is also my understanding that the local inspector position requires twenty-three (23) hours of work for the Town, while the dispatcher's position requires forty (40) hours of work for the Town.

As a starting point, the Massachusetts Conflict of Interest Statute, Section 20 of Chapter 268A of the General Laws ("Chapter 268A") prohibits the Town from offering individuals more than one employment contract with the Town, unless certain explicit conditions set forth in that statute are satisfied. While under the Chelmsford Town Charter, the Town Manager has a certain amount of discretion over appointments within the Town, the Town Charter and the Town Manager's actions pursuant to the Charter are subject to the restrictions and limitations of Chapter 268A. In this case, since Mr. Kinney could not meet the

requirements of Chapter 268A for holding two positions with the Town, Mr. Kinney's allegation that the Town Manager violated the Town Charter in conditioning his appointment to the Civilian Dispatcher position upon the resignation of his Local Inspector position is clearly without merit.

As I have previously advised the Town Manager in the attached letter of August 8, Mr. Kinney's simultaneous employment by the Town as a local inspector and a dispatcher could not meet the conditions of Chapter 268A. The Town, therefore, correctly conditioned Mr. Kinney's appointment as Civilian Dispatcher upon his resignation from the position of Local Inspector. The condition that Mr. Kinney resign as Local Inspector before accepting the new job was required as a matter of law by Chapter 268A, and the Town Manager was not exercising any discretion, or independent judgment when that condition was communicated to Mr. Kinney.

Moreover, Mr. Kinney's allegation that he was "coerced" into resigning as Local Inspector and that he was "[i]n effect dismissed by Mr. Lynch without a hearing as required by law", is likewise completely untenable. Mr. Kinney voluntarily resigned from that position in order to be eligible to accept another position in the Town. As stated, the Town could not permit him to hold both positions in contravention of Chapter 268A. Under Chapter 268A, Mr. Kinney had the option to either retain his position as Local Inspector or to relinquish that post and accept the Civilian Dispatcher's job, in accordance with Chapter 268A. He made that choice freely, without interference or coercion by the Town. It is clear, therefore, that Mr. Kinney's contention that he was "terminated" by the Town is frivolous.

Since the Town did not terminate Mr. Kinney, but, rather, he voluntarily resigned from one position in the Town to accept another, as required by law, his constitutional and/or civil rights claims are equally spurious.

Finally, with respect to the allegations that the Town Manager acted in contravention of Chapters 31 and 31A of the General Laws, Mr. Kinney's complaint is without any basis whatsoever. Simply stated, the Town is not subject to either of these statutes in this case, since neither the local inspector position nor the dispatcher position is a civil service position under Chapter 31, and Chapter 31A is a local acceptance statute which the Town has never accepted. These statutes have no relevance to this case, and Mr. Kinney's allegations regarding the statutes are meritless on their face.

Thus, in summary, Mr. Kinney has mis-characterized the Town's straightforward application of Chapter 268A, and has presented inaccurate and meritless allegations. Mr. Kinney's complaint is based upon citation to inapplicable law, and a complete failure to acknowledge or demonstrate an awareness of Chapter 268A as the controlling State statute. As such, Attorney Boumil's letter raises the question of harassment of the Town Manager. Given the fact that Chapter 268A required the actions complained of by Mr. Kinney, and the fact that Chapters 31 and 31A are on their face inapplicable to the positions in question, the Town should not act upon the complaint but may dismiss it summarily.

Should you like to further discuss this matter, please feel free to contact me.

Sincerely yours,

D. M. Moschos

DMM/tmd
1418/12001
82.0813.jh

cc: Town Manager ✓

M E M O R A N D U M

TO: D. M. Moschos

FROM: Kenneth R. Kohlberg

RE: Chelmsford/Kinney - Analysis of Opposing Counsel's Letter of 8/19/91

DATE: August 22, 1991

You asked that I analyze the attached letter of August 19, 1991, from Milton Kinney's attorney. Below is a paragraph-by-paragraph examination of the merits of Mr. Kinney's allegations.

With respect to the introductory paragraph, it appears that Mr. Kinney is questioning whether "previous advice" was in fact rendered to the Town Manager prior to your 8/8/91 letter. You were initially consulted on this matter on July 11, 1991, and you rendered verbal advice to the Town Manager at that time. In any event, Mr. Kinney has nothing to support the contention that the Town somehow "manufactured" the legal conclusions set forth in the 8/8/91 letter.

With respect to paragraph (1), Mr. Kinney requests that he be allowed to attend an executive session should the Town meet in that manner to discuss his complaint against the Town Manager. Section 23B of Chapter 39 of the General Laws provides that executive sessions may be held "to discuss the reputation, character, physical condition or mental health . . . of an individual", and, "to hear complaints or charges brought against a public officer" such as the Town Manager, provided that the "individual involved" has been notified. In this case, however, the "individual" in question is the Town Manager and not Mr. Kinney. Accordingly, the Town has the right to meet in executive session for the purposes of discussing the complaints against the Town Manager, and the Town can exclude his accuser (Mr. Kinney) from attending such executive session. Thus, Mr. Kinney is not eligible to be present at the executive session.

With respect to paragraph (2), it is not clear why Mr. Kinney alleges that you missed the point of his correspondence of 8/6/91. I believe that he is referring to the fact that his claim is under Chapter 258 of the General Laws, and therefore the Chapter 268A analysis is not relevant. Mr. Kinney himself, however, misses the point that Chapter 268A <u>required</u> the Town to rule as it did in this case.

With respect to Subsection (a) of paragraph (3), the Town Manager did not reduce Mr. Kinney's hours in retaliation for Mr. Kinney's wife's participation in the FBI investigation, but, rather, did so due to budget considerations. Moreover, Mr. Kinney's case is governed by Chapter 268A, as set forth in our letter to the Town. Thus, the references to Chapter 268A are not an attempt to "divert the Board's attention" from the Town's having "discharged" Mr. Kinney.

Additionally, the allegation that the Town Manager's action constitutes improper retaliation under the Flesner case is without merit. The Flesner decision discusses the general "whistle blowing" doctrine which prohibits an employer from retaliating against an employee for notifying authorities of the employer's wrongful conduct. These facts are not present in this case since there was no retaliatory discharge.

Subsection (b) of paragraph (3) is a general statement that requires no analysis.

Subsection (c) of paragraph (3) is inaccurate - Mr. Kinney was not dismissed from his job but, rather, resigned from that position in order to accept another position in the Town.

With respect to paragraph (5) [there is no paragraph (4)], the Town's consideration of reorganizing Town departments was not a justification for the Town requiring Mr. Kinney to resign from the Local Inspector position. Rather, this discussion was merely an attempt by the Town to exhaust its analysis of Mr. Kinney's employment situation, particularly in light of Chapter 268A.

Similarly, with respect to paragraph (6), the discussion about the Town's discretion to set the standards of conduct for Town employees under Chapter 268A was also noted for the purposes of being exhaustive. That discretion does not obviate the Town's responsibility to follow the mandates of Chapter 268A.

With respect to paragraph (7), it is clear that Chapter 268A applies to Mr. Kinney's employment situation. This fact is not "speculative". The law clearly prohibits Town employees "from having a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town . . .." Employment relationships are contractual in nature, and all employees have a financial interest in their own employment. Accordingly, Chapter 268A applies to dual employment situations such as that which would have occurred but for the Town's conditioning Mr. Kinney's appointment as police dispatcher upon his resignation from his other position in the Town.

Again, the Civilian Dispatcher position is not covered by the Civil Service law. Accordingly, Mr. Kinney's persistent reference to the Civil Service laws is simply not relevant to the facts of this case.

With respect to paragraph (8), as stated, Chapter 268A applies to the facts of this case. Mr. Kinney's suggestion that Chapter 268A applies only to the situation where a municipal employee owns more than 1% of the stock of a company which is contracting with the Town is entirely without merit.

With respect to paragraph (9), the suggestion that Mr. Kinney would not violate the "sixth condition", i.e., that he would not be compensated in the second job for more than 500 hours, is also without merit. Mr. Kinney cannot decide how may hours he would work at the Dispatcher position, and the Town has determined that this position requires at a minimum twenty-three hours per week. Moreover, the Town did not create this sixth condition but, rather, the condition is set forth in Chapter 268A (see attached).

Finally, with respect to paragraph (10), while it may be that some individuals in the Town hold multiple positions, in apparent contravention of Chapter 268A, the existence of these possible violations would not justify further violations in the case of Mr. Kinney. The Town should review the fact that some employees of the Police Department also serve as matrons. In any event, if other employees have violated Chapter 268A, that fact does not permit Mr. Kinney to also violate that statute.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE
ATTORNEYS AT LAW
1700 MECHANICS BANK TOWER
WORCESTER, MASSACHUSETTS 01608-1477
508-799-0541
FAX: 508-752-7305

August 22, 1991

Honorable Dennis J. Ready
Chairman
Board of Selectmen
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824-2777

RE: Kinney Allegations

Dear Mr. Chairman:

In connection with the allegations made by Attorney Boumil dated August 19, 1991 I wish to specifically respond to the question raised by Mr. Boumil pertaining to when "previous advice" was provided to the Town Manager. It should not be necessary for me, as an attorney at law, to substantiate my written statements, but for the purpose of assisting the Town in this matter, I am doing so.

The Town Manager called me on July 11, 1991 to discuss the dual job issue involving Mr. Milton Kinney, and during those discussions I advised him that such dual employment was prohibited by Chapter 268A of the Massachusetts General Laws. (Please see my daily log for July 11. I have only copied the portions of the log pertaining to the Town of Chelmsford on that day.)

Sincerely yours,

D. M. Moschos

DMM/tmd
1418/12039
12.0822.sn
Enclosure

cc: Town Manager
Town Counsel

1916 75th 1991
ANNIVERSARY

Process Month: July 1991

LINE	ID	TIMEKEEPER	CLIENT / MATTER	DATE	NARRATIVE
20	252931	12 DMM	01418 Chelmsford, Town of 12005 Fire General	07/11/91	Telephone from Town Manager regarding Mutual Aid
21	252933	12 DMM	01418 Chelmsford, Town of 12001 Special Counsel	07/11/91	Telephone from Town Manager regarding Health Insurance to Part-Time Employee
22	252934	12 DMM	01418 Chelmsford, Town of 12001 Special Counsel	07/11/91	Telephone from Town Manager regarding Dual Town Jobs

LAW OFFICE OF
JAMES M. HARRINGTON
Attorney at Law

JAMES M. HARRINGTON
THOMAS F. HORTON
TONI-LYNNE RAFANELLI

4 COURTHOUSE L E
BUILDING A
CHELMSFORD, MA 24
TELEPHONE (508) 458 91

August 16, 1991

C-2985

Dennis J. Ready, Chairman
Chelmsford Board of Selectmen
50 Billerica Road
Chelmsford, MA 01824

Re: Milton Kinney - Employment Grievance

Dear Mr. Ready:

This office has reviewed the correspondence from S. James Boumil, Esq. dated August 6, 1991, to the Board of Selectmen, Town Manager, and Personnel Board. The opinion letters of D. M. Moschas, Esq. dated August 8, 1991, and August 15, 1991, to the Town Manager and this office respectively have also been reviewed.

While it is my opinion that the issues raised in Attorney Boumil's letter concerning labor relations issues are properly addressed by our labor counsel, I have additionally reviewed these opinions and concur with the findings and recommendations of these opinions.

The remaining outstanding issue in this matter concerns the responsibility of the Board of Selectmen to hold a public hearing to review Mr. Lynch's actions for the purpose of reinstating Mr. Kinney a local inspector.

The Charter clearly establishes the methodology for the appointment of employees in Section 4-2, placing the position in question under the control of the department head subject to the approval of the Town Manager.

The Charter does not provide for the administrative review of the appointment of employees by the Board of Selectmen. Section 3-1(b) specifically places the daily administration of the affairs of the town within the exclusive jurisdiction of the Town Manager. To allow an employee to require the selectmen to hold a public hearing to review and reverse administrative decisions of the Town Manager would violate the provisions establishing the Board of Selectmen as the policy-making body and the Town Manager as the chief administrative officer.

Notwithstanding the above, the Town Manager is responsible to the Board of Selectmen for the proper operation of town affairs and is therefore answerable summarily to your board for any and all actions.

It is my recommendation that the Board of Selectmen deny the employee's request for a public hearing as there is no jurisdictional authority within the Charter to grant this request and that the Board of Selectmen, if they desire, summarily review the action of the Town Manager in this appointment and upon review of the opinions and legal recommendations make a determination for their future course of action in this matter.

As requested, I shall be available to meet with the board on Monday evening as required.

Respectfully submitted,

James M. Harrington

James M. Harrington
Town Counsel

JMH:ph

DELIVER IN HAND

MIRICK, O'CONNELL, DEMALLIE & LOUGEE
ATTORNEYS AT LAW
1700 MECHANICS BANK TOWER
WORCESTER, MASSACHUSETTS 01608-1477
508-799-0541
FAX: 508-752-7305

August 8, 1991

Bernard F. Lynch
Town Manager
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

RE: Milton Kinney - Dual Employment In Town

Dear Bernie:

Pursuant to your request, I am confirming my previous advice to you as to whether the Town of Chelmsford (the "Town") properly conditioned the appointment of Milton Kinney to the full-time civilian position of Police Dispatcher in the Town.

As I understand the facts, Mr. Kinney was a part-time Local Inspector who worked twenty-three hours per week in the Town. Mr. Kinney was asked to resign from this position as a precondition to the Town's approval of his appointment as Police Dispatcher. Mr. Kinney did resign, and then filed a complaint with the Town alleging that this condition was improper.

After reviewing the applicable law, I advised you as follows.

The Massachusetts Conflict of Interest Statute, Section 20 of Chapter 268A of the General Laws ("Chapter 268A") generally prohibits Town employees from having "a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or Town . . .." An employment relationship is, of course, contractual in nature, and all employees have a financial interest in their own employment. Accordingly, the State Ethics Commission has interpreted Chapter 268A's prohibition to encompass dual employment situations such as that which would have occurred but for the Town's conditioning Mr. Kinney's appointment as Police Dispatcher upon his resignation from his other position in the Town. In essence, the Town could not employ Mr. Kinney as a Police Dispatcher, since he was already a Town employee.

1916 75th 1991
ANNIVERSARY

Chapter 268A does, however, set forth certain conditions under which an employee may hold two positions with the Town. An employee may do so if:

1. the second job is with a completely separate Town agency;

2. there has been public advertising for the position;

3. the employee files a statement with the Town Clerk disclosing that he has the other job;

4. the employee's hours worked on the two jobs do not overlap;

5. the services performed in his second job are not part of the duties of his regular job;

6. the employee is not compensated in the second job for more than 500 hours per year;

7. the head of the second agency (in this case the Chief of the Police Department) certifies that no other employees in the Department are available to do the work as part of their regular duties; and

8. the Board of Selectmen gives its approval.

These conditions are set by Chapter 268A in order to insure that everybody has an opportunity to seek such jobs and that an employee's additional work is necessary and does not impinge upon his or her regular work. All conditions must be met.

In this case, however, it is clear that but for Mr. Kinney's resignation from his position as Local Inspector, he would have violated the sixth condition. Regardless of which one of his positions (Local Inspector or Police Dispatcher) constitutes the "second job" for the purposes of the sixth condition, Mr. Kinney would be compensated in either position for more than five hundred hours per year. Thus, the Town correctly conditioned his appointment to the position of Police Dispatcher upon his resignation from the position of Local Inspector.

Please note, also, that there is an additional exemption which would allow Mr. Kinney to work part-time or on-call for the Police Department of the Town. This exemption was drafted with the intent to permit reserve police officers to serve only in that capacity, and it is unclear whether it would apply to a civilian position such as Police Dispatcher. In any case, Mr. Kinney will be working full-time, not part-time or on-call, so this exemption

does not apply. Moreover, the Town has the discretion to set the standards of conduct for Town employees under Chapter 268A. Therefore, even if the law did not require this result, the Town Manager could set such a standard to avoid the appearance of impropriety.

Finally, I understand that the Town has considered organizing all of the Town's public safety employees into one Department. If the Town were to implement this plan, clearly Mr. Kinney could not serve as both Local Inspector and Police Dispatcher in the Town. Both of the positions would come under the Public Safety Department, and Section 268A specifically prohibits dual employment within the same municipal department. Accordingly, even if Mr. Kinney could meet the above-specified conditions, the Town could not permit him to accept dual employment in the Public Safety Department.

In summary, since Mr. Kinney is not exempt from Chapter 268A's dual employment prohibitions, the Town correctly conditioned his appointment as Police Dispatcher upon his resignation from the Local Inspector position.

If you have any further questions, please do not hesitate to contact me.

Sincerely yours,

D. M. Moschos

DMM/sam
1418/12002
82.0807bl

cc: James M. Harrington, Esq.

S. James Boumil, J. D.
Counsellor at Law

06 August, 1991

100 Summit Street
Lowell, Massachusetts 01852
U. S. A.
Tel.: (508) 458-0507

Chairman & Board
of Selectmen
Town Offices
50 Billerica Road
Chelmsford, MA 01824

&

Bernard F. Lynch
Town Manager
Town Offices
50 Billerica Road
Chelmsford, MA 01824

Merit Appeals Board
Personnel Board
Town Offices
50 Billerica Road
Chelmsford, MA 01824

HAND DELIVERED

Gentlemen:

Please be advised that I have been retained to represent the interests of Milton H. Kinney, Jr. with respect to his employment grievances involving the Town of Chelmsford and its Town Manager, Bernard F. Lynch. Be advised as follows:

(1) Despite receiving very excellent employment ratings from Mr. Zagzoug, and despite the obvious need, Mr Kinney was nevertheless reduced to 23 hours per week by order of the Town Manager, under the guise of "cost savings".

(2) On 6/28/91, Mr. Kinney applied to Chief McKeon for the position of Civilian Dispatcher. He was approved by Chief McKeon. However, on 7/31/91, the Town Manager wrote to Chief McKeon and imposed the additional condition that Mr. Kinney resign his position of Local Inspector. Neither Mr. Zagzoug nor Chief McKeon had imposed any such condition to the Civilian Dispatcher job, nor is there any such requirement in the AFSCME contract or other applicable Town regulations.

(3) Faced with the arbitrary and capricious demands of Bernard Lynch and the consequent threat to his economic and emotional well being, Mr. Kinney was coerced into tendering his resignation as Local Inspector on 8/2/91. In effect he was dismissed by Mr Lynch without a hearing as required by law.

(4) In accordance with Section 4-2 of the Town Charter, any appointment over which the Town Manager has any authority shall be "based upon merit and fitness alone". The Town Manager has the right to approve appointments made by Department Heads, but it is clear that such approval may not be withheld for reasons having nothing to do with merit or fitness.

(5) Mr. Kinney was provided with NO reason why his resignation as Local Inspector was demanded by the Town Manager as a condition of his appointment as Civilian Dispatcher.

(6) We are informed and therefore believe that Mr. Kinney's troubles with the Town of Chelmsford are directly related to personal problems that exist between Mr. Lynch and Mr. and Mrs. Kinney, all as well known to Mr. Lynch.

(7) Accordingly, we feel that Mr. Kinney's rights have been violated under the Constitution and laws of the United States, of the Commonwealth of Massachusetts, the Town Charter of Chelmsford, More specifically, Mr. Kinney has been required to resign from the position of Local Inspector, in effect being terminated therefrom, without just cause.

(8) Furthermore, based upon: (a) Mr. Kinney's communication to the Board of Selectmen of 4/16/91; (b) what has been related to me as the long term sexual harassment of Mr. Kinney's wife by Bernard Lynch; (c) the alleged co-operation of Mrs. Kinney with an FBI investigation of certain town practices and/or employees, we conclude that Mr. Lynch is inappropriately mixing his personal quest for revenge with his duties as Town Manager, and in so doing has knowingly and consciously violated Mr. Kinney's rights.

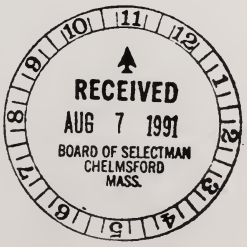
(9) Mr Kinney hereby further states that the actions of Mr Lynch constitute a violation of his statutory rights pursuant to G.L. c 31 and c 31A, and other laws of the Commonwealth and of the United States, and a violation of his Civil Rights. No hearing has been afforded to Mr Kinney on this coerced "resignation", which is in sum a termination.

(10) Mr Kinney hereby also petitions the Board of Selectmen for review of Mr Lynch's actions and requests that a hearing be called to review Mr Lynch's actions in this matter. Specifically, Mr Kinney requests the Board of Selectmen to order Mr Lynch to reinstate him as Local Inspector and to restore his benefits under that position, retroactive to the date of his forced resignation. Mr Kinney also requests that the any local Merit Appeals Board established pursuant to G.L. c 31A:7 conduct a hearing on this matter,failing the existence of which Mr Kinney requests that the Civil Service Commission conduct such a hearing pursuant to G.L. c 31:41.

Sincerely yours,

Milton H. Kinney, Jr.

S. James Boumil, Esq.
cc: Civil Service Commission
Commonwealth of Massachusetts
Merit Appeals Board/Personnel -Town



Regular meeting of the Board of Selectmen scheduled for Monday, September 9, 1991.
Chairman Dennis Ready opened the meeting at 7:00 P.M.and recessed until 7:45 P.M. At that time he announced a Public Hearing on the transfer of the Wine and Malt Beverages license for Jack's Diner from David and Mary Mansur to Lisha Furtado.
Due to the lack of a quorum Mr. Ready adjourned the hearing until Monday, September 16, 1991 at 7:45 p.m.
Mr. Ready then adjourned the meeting.

For the Board of Selectmen, by

Edith C. Carter

Regular meeting of the Board of Selectmen held Monday, September 16, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session Jeffrey Stallard was present and presented a new POW/MIA flag which was donated by North Chelmsford residents to replace the worn out flag on the North Chelmsford Common. The Chairman thanked him for the donation.

At 7:10 pm motion by Mr. Logan, seconded by Mr. DeFreitas, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

The Board returned to Open Session at 7:45 p.m. Mr. Ready called the meeting to order.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of August 26, 1991, Regular Session.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of August 22, 1991, Executive Session.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of August 26, 1991.
Motion by Mr. Logan, seconded by Mr. Defreitas, unan. to approve the minutes of September 9, 1991.

At 7:45 p.m. a Public Hearing was held on the transfer of the Beer and Wine license at Jack's Diner, 11 - 14 Central Square. Mr. Logan stepped down from this hearing due to a possible conflict of interest.
Attorney Robert Gould represented Lisha A. Furtado, the new owner of the Diner, and stated that the hearing was originally scheduled for August 19 but was cancelled due to Hurricane Bob and was re-scheduled for September 9 but postponed due to lack of a quorum. He noted that this license has been in existence for several years and at the present time is issued to David and Mary Mansur. Ms. Furtado has owned the Diner since June 15, and spent 4 months observing the operation prior to taking over the management and her husband Frank has spent 6 years at the Prince Grotto as a line cook. Mr. Ready asked if she is changing anything - floor plan, hours, etc. and Ms. Furtado said she wants to open Thursday and Friday evenings. She asked for hours of 6 am - 10 pm for her Common Victualer license and 11 am - 10 pm for the Beer and Wine license.
No one present spoke in favor of or opposition to this transfer. Motion by Mr. Johnson, seconded by Mr. DeFreitas, to grant the transfer of the Beer and Wine License at Jack's Diner from 11 am - 10 pm and subject to receipt of a letter from the current property owner that this transfer meets with his approval. Mr. Blomgren asked the office for a documented process for each license.

At 7:50 a Public Hearing was held on the application of S.O.N.S. Enterprises Inc., 116 Chelmsford Street, for licenses. Mr. Logan left the room during this hearing. Attorney Joseph B. Shanahan, Jr. said he had submitted booklets to each member and submitted an affidavit of notice to abutters. They are applying for: Common Victualer license, All Alcoholic Beverage license, Weekday and Sunday Entertainment licenses and if they receive the All Alcoholic license they are requesting to pledge stock.
Atty. Shanahan explained that Skip's has been in that location over 50 years and was first owned by the Kydd family. The Gefteas family has operated the restaurant since 1946 until 1988 and in early 1989 it was leased to Integrity Foods. This leasing ended in litigation. Now the two sons of the Gefteas and Burliss families want to open the business as a family operation. Mr. Shanahan gave the backgrounds of the sons, and added that there have been citations by the Board of Health but all under Integrity Foods. They have spent more than $50,000 in repairs and have a 20 year track record on their own and a 50 year record with their fathers and uncle.
As for hours, they would like the same as they have had for 40 years - 6 am - 11 pm early weekdays, 12 midnight Thurs. - Sat. They are asking for 2:00 am under the All Alcoholic license but would settle for 1 am. The restaurant has a seating capacity of 300 and the lounge clientele is a cross section, generally a mature crowd.
Atty. Shanahan said that Skip's Inc. was owned by the elder Gefteas and Burliss families, that Integrity faulted on their lease and technically now there is no license. They hope to open by October 15th and there will be a full inspection by the Board of Health.
No one present spoke in favor of or opposition to this license.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to suspend the Board's policy of not granting a license the night of the hearing for a number of reasons, and grant the licenses for the time stated - 6 am - midnight for Common Victualers, and 11 am - 1 am for the All Alcoholic license, to grant the weekday and Sunday entertainment licenses and to approve the pledge of stock. Vote on the motion was 4 in favor, with Mr. Logan not voting.

At 8:10 pm the Board met on the application of CAM Corp. d/b/a Bumblebee's Restaurant, 313 Littleton Road to extend their hours. Mr. Logasn was not present for this hearing. Chairman Ready said he has a few general observations: at the last meeting they requested an extension of hours. It was denied and they asked for a letter of denial and this is the only reason they are back on the agenda this quickly. He investigated the place, and found that they had people sitting at the bar, which does not comply with the existing license.
Attorney Joseph Holmes, representing CAM Corp., said that the restrictions were not forwarded with the license and his clients did not know that they should be carried forward.

Mr. Johnson said the Board had more or less agreed that a 12 midnight closing on the license would be all right. Mr. Blomgren stated that the Board put heavy restrictions on the previous license, both on seating and hours, due to concern for the neighborhod.
Mr. DeFreitas asked if there have been any complaints from the neighbors and if the client would accept a 12 midnight closing.
Mr. Holmes commented that they have a very small lounge with only 10 bar stools, and Mr. Ready said the restriction allowed no stools at the bar. He feels we should give the public an opportunity to discuss the matter and voice any complaints.
Mr. Ready said that we originally granted the license with certain restrictions and it was never voted by the Board to remove them. Mr. Blomgren feels that he thought we were committed to show concern to the neighborhood and thinks we owe them the right to know of a hearing.
Mr. Ready asked Attorney Holmes to notify the abutters of a hearing next Monday night if they want to ask for a Public Hearing to extend the hours and keep the lounge in operation.

Town Manager Lynch gave a report on Hurricane Bob, saying that we declared a State of Emergency at 10:00 am on the day of the Hurricane, August 19th. He introduced **Walter Hedlund,** stating that Walter administered the Emerency Management Team and did an outstanding job. Mr. Hedlund said that he wants to thank all departments, and said that he met with all dept. heads at 10 am on the 19th and he is proud of all of them, they put out 125%.
He said we had **2 or 3 real serious problems:**
The **Camp Paul** area had 20 - 25 people in electric wheelchairs, in a stone house with no basement. He asked Mass. Electric for priority. The Fire Dept. used their generators and Mr. Hedlund called in the National Guard to set up their generators to recharge the wheelchairs.
The **North Chelmsford wells and pumping stations** - their **generators** were without power for 40 hours and the National Guard generators again helped out.
Brush situation - he wants to compliment the Town residents for collecting their brush in an orderly fashion and said that they are now burning at the Crooked Spring Reservation.
Homeowner damages - we have received at least 30 estimates of damages over $1,000.
We will have the federal report survey team come into town to see what we can get for federal money, and the Town Manager added that we hope to recoup all overtime costs and the costs of hired equipment.
Mr. Blomgren asked him to to compare the damages with Gloria, especially power outages.
Mr. Ready said we need some method to let the people know how long their power might be out and Mr. Hedlund said we need a foreman or some electric company rep. to be in emergency headquarters during this type of situation.
The Town Manager said we have the DPW Director and the Fire Chief looking into securing new generators and will have Mass. Electric come in to an October meeting.

Attorney Holmes returned to the meeting and said that he will notify abutters tomorrow of a Public Hearing next Monday on extending Bumlebee's hours. He added that they are also seeking permission to serve drinks outdoors at the restaurant on October 5th as part of an Opening Clambake. Drinks will be served in a roped off area and the bar will be close to the back door. They will engage the services of a police detail officer.
Motion by Mr. DeFreitas, seconded by Mr. Johnson, to grant an extension of their license to cover their outdoor Grand Opening on October 5th.

A report on the Solid Waste Program was given by Town Manager Lynch and Solid Waste Committee Chairman Barbara Scavezze. A lengthy discussion was held during which options such as Town vs. private administration, people paying for a recycling shortfall when they don't participate in the program, etc. The Board of Health wants the Board to put on an override question at some point. Mr. Ready said the Board needs to establish policy and direction regarding trash and Mr. DeFreitas asked for a Work Session with the Board and the Solid Waste Advisory Committee. Mr. Blomgren asked the Town Manager to find find out where trash is being taken and where Laidlaw is taking recyclables.
Motion by Mr. Logan, second by Mr. DeFreitas, unan. to have a Work Session on October 28th.

Fire Dept. Captain Michael Burke was present to discuss underground fuel storage tanks. He told the Board that the Fire Dept. is trying to upgrade their files on tanks by streets, not by years. They feel any tanks over 25 years old should come out of the ground, and State laws don't stress homeonwer testing although they do require overflow prevention devices on tanks under 1100 gallons. He has learned in seminars that 80% of leaks are caused by piping, not the tanks, and double wall piping is recommended.
Mr. Ready stated that the Baord is the licnsing authority for underground storage and if they make repairs they should come to us. Capt. Burke said he checks copies of the licenses to make sure that gallonage and location are the same. Mr. Blomgren asked how many residential tanks and Capt. Burke said he knows of 20 officially but guesses there are betwen 50 and 100.
Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to ask the Town Manager to form a committee with reps from the Conservation Commission, Water Districts and Board of Health to work with Capt. Burke on the problem of underground storage tanks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the report on underground storage tanks.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the report on Hurricane Bob.

Motion by Mr. Logan, seconded by Mr. Johnson, unan. to accept the Solid Waste report and come up with a policy on October 28th. Vote was 4 in favor, 1 opposed (Mr. DeFreitas).

Other Reports:

Hydropower Plant: Mr. Lynch recommended an abatement be made to Mr. Lloyd Greene - we would abate 50% of his taxes and would receive part of the income from the hydroplant.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to enter into an abatement agreement with Mr. Greene.

Sheehan Property: Mr. Lynch reported that the Town took the property in 1970 for $39,200. The Sheehans bought it back in 1982 for the same price. There is an article on the warrant for October 21st, but Mr. Lynch said that the Town doesn't have the money to buy two lots for $136,000.

Under **Policy, Mr. Logan** moved to adopt his previously presented policy on BOS hearings: a person will be placed on the agenda to appear before the Board as long as the subject mattter comes under their jurisdiction under the Home Rule Charter or State law. Motion seconded by Mr. DeFreitas, unan.

Philip Scuderi, East Coast Mangement Inc. and an owner of Route 3 Cinema City, was present to meet with the Board regarding **Cinema VIII.** Mr. Ready told him that at the last meeting the Board had been concerned about taxes, which have since been paid. A report from the Board of Health dated September 13, 1991 stated that inspections were made on August 23 and September 3 and that minor infarctions noted have been corrected. They are looking into new paint for floors.
Mr. Lynch said that the Building Permit was issued on February 27, 1990 but the new cinema was not built until this spring; however they still need an operating license from the Board.
Mr. Scuderi said they were told they only needed a Building Permit to split the theatre and he apologized for not coming before the Board. He added that a tremendous amount of housekeeping has been done.
Motion by Mr. Logan, second by Mr. DeFreitas, unan. to approve the opening of Cinema VIII.

Mr. Lynch then reviewed the articles being placed on the warrant for October 21st:
1. Standard to hear reports;
2. Submitted by the Moderator and Rules Committee
3. Amend the General By-laws re Town Meeting nights
4. State budget article to defer 1 month teachers' salaries into the following year - we don't need to do this
5. Eliminate stipends to Boards - Mr. Blomgren asked for a complete list of stipends now being paid
6. Withdrawn
7. Reduce the FinCom Reserve Funds

8. Article to reimburse Yankee customers - by petition
9. Amend budget to go into balance - Mr. Lynch will have details at next week's meeting
10. Library Trustees - to increase salary budget
11. Sewer easement for Housing Authority
12. Mandatory recycling article - SWAC
13. Details on trash and recycling program - by petition
14. North Chelmsford Water District
15. Petition for Charter change - reduces flexibility of the Town Manager in budget and administration
16. Petition - change in Civil Service law so firemen can be reinstated for up to 10 years, not current 5
17. Rezoning petition - Chelmsford Mall
18. Petition - rezoning for amateur radio antennae
19. Petition - for full-time Veterans' Agent
20. Put cap on amount that can be spent for dog licenses at $30/year

Motion by Mr. Johnson, seconded by Mr. Logan, to **post the warrant as presented and amended (withdraw art. 6)**. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

Mr. Ready said that the Board will vote on whether or not to support the individual articles on September 23rd, and all petitioners are invited to be present.

It was requested that the State be asked to replace the "Entering Chelmsford" signs on Routes 27 and 4.

Mr. Logan said that the **Traffic and Safety Committee** has voted to table any decision to vote on the **Do Not Enter sign onto High Street** until their October 16th meeting.
The Committee recommends that **Rivermeadow Drive become a 2-way Street** again.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to change the Traffic Rules and Regulations to make Rivermeadow Drive a 2-way street again.

Mr. DeFreitas said that there is no report from the Town Accountant on persons holding two jobs with the Town.

Mr. Blomgren asked the Town Manager to send a memo to each Town Deaprtment regarding the functions of C.A.D.A.C.

He asked the Town Manager to try to expedite the removal of the double pole on Fletcher Street, since the merchants are complaining.
He visited the soccer fields on Mill Road and found that there is adequate parking inside and asked that Pat Daley and Jim Pearson be requested to install more signage.

Mr. Blomgren had a printout for legal counsel that he recieved from the Town Accountant and questioned the total amount of

$246,000. Mr. Lynch explained the various items that were included and said that he will get a reconciliation from the Town Accountant.

Mr. Ready reported that he went to the Garrison House 300th Anniversary and presented a proclamation.

The **Town Manager reported** that the **North Town Hall** will go out to bid this year.
He reported on a **new streetlight proposal** - a new rate structure where the Town purchases the lights - we could save $15,000 the first 7 years, and then $50,000.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to waive the Board's policy of not continuing after 11 pm and move to meet not past 11:30 pm.

The **Town Manager** commented that we have some **innovative programs** that we don't consider innovative but other communities do: pay for trash pickup, Adopt A Park, and added that we're doing a good job with management strategies. Mr. Blomgren asked for a list of parks still to be adopted.

The Board signed the **Orders of Taking for the Phase 2 Sewer projects.**

Under **New Policies, Mr. DeFreitas** introduced a policy that taxes must be paid before a new license is issued, or the Baord may rescind a license if the establishment is in serious tax delinquency.

Under **New Business, Mr. Ready** said that for the past 4 or 5 years the Board has voted to have the Town celebrate **Halloween** the last Sunday in October, rather than the 31st. The School Dept. has asked to have the celebration on Oct. 31st again, since with budget constraints it is hard to keep the school buildings covered by custodians on Sundays.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to **set October 31st as the traditional Halloween celebration date.** Vote was 3 in favor, 2 opposed (Mr. Johnson and Mr. Blomgren). The time will be from 5:30 - 8:00 p.m.

Mr. Ready said that we are again having **problems with Beacon Publications** drop-offs, and ask them to come in to a meeting.

It was also requested that **Mass. Electric and New England Telephone be requested to attend an October meeting to discuss double pole removal and power outages.**

At 11:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Cook

Regular meeting of the Board of Selectmen held Monday, September 23, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

The Board went over the articles on the warrant for the Town Meeting on October 21, 1991 and made recommendations:

Art. 1. To hear reports.

Art. 2. Motion by HRJ, second RDeF, unan. to recommend at Town Meeting.

Art. 3. Motion by RAB, second HRJ, unan. to support.

Art. 4. Mr. Lynch said that there have been changes made in the bill and the article is no longer needed. He will advise the School Committee of this. Motion by HRJ, second RAB, unan. to recommend at Town Meeting.

Art. 5. Motion by WRL, second RDeF, unan. to recommend at Town Meeting. Mr. Lynch said he will have a list of those receiving stipends prior to Town Meeting. Mr. Ready said he wants to know the costs and are all employees eligible if they work over 20 hours per week.

Art. 6. Motion by WRL, second RDeF, unan. to approve.

Art. 7. Motion by WRL, second RDeF for discussion, to disapprove. After much discussion WRL moved to withdraw his motion and moved, second RDeF, unan. to recommend at Town Meeting. Mr. Logan said he will lobby against this article.

Art. 8. Reduction in the budget - Mr. Lynch went over each line item. Motion WRL, second RDeF, unan. to approve. Mr. Lynch said this will come out as negative Free Cash but he hopes to put in payment of the Mill taxes and we may be balanced as 0 Free Cash. Mr. Blomgren asked that Finance Director Jim Doukszewicz be asked to attend the October 7th meeting to explain tax collections.

At 8:00 p.m. the Board held a **Public Hearing on Bumblebee Restaurant's request for an extension of hours.** Mr. Logan left the room due to a possible conflict of interest. **Attorney Joseph Holmes, representing CAM Corp. d/b/a Bumblebee's,** said they are asking that the closing hours be extended from 11 pm to 1 am, that they have notified the abutting neighbors of this hearing, although they have had no problem with the neighbors. He added that his clients did not know that there had been a restriction on the use of bar stools on the previous license on the premises. Mr. Ready said do they want to extend closing hours from 10 pm Sun. - Wed. and 11 pm Thurs. - Sat. to 1:00 am every night and be allowed to use the small bar area with 4 booths and 10 stools. Mr. Johnson said that this is a completely different atmosphere than under the previous owner.

No one present wished to speak in favor of this extension. Ms. **Christine Ingeles**, Chamberlain Road, spoke against the expansion and submitted a letter of opposition from her neighbor Eunice Gray. They both claimed that when the question of a liquor license on the premises first came up it was voted by the Board that no lounge would be allowed. The billiard hall in the same mall closes at 12 and they will go right into the lounge if it is open until 1 am.
Mr. Johnson said he had voted against the first applicant but this applicant has a different track record.

Barbara Bunn, 6 Chamberlain Road, was present and asked if the whole restaurant will be open until 1:00 am and was told Yes, but they will serve a full menu only until 11 pm. Ms. Bunn said so then at 11 pm it becomes a full lounge, and asked who would enforce the restrictions on the license. Chairman Ready told her the Board of Selectmen, Board of Health, Building Inspector and Police Department. Ms. Bunn said she appreciates being notified of the hearing, doesn't want to see the hours extended and noise is really her only complaint.
Mr. Ready then read the letter from **Eunice Gray, 24 Chamberlain Road**, who is against extending the hours.
Atty. Holmes said that CAM Corp. has nothing to do with the billiard parlor "Pockets" and his employees help police the area. George Whitman, the manager of Bumblebee's, has over 20 years experience in the restaurant business with no problems, and said he will serve hot food untill 11 pm, then a Pub menu until 12:30 am.
At 8:25 pm Mr. Ready closed the hearing and said he wants to follow the new procedure and vote at the next meeting.
Motion by Mr. Johnson, seconded by Mr. DeFreitas, to **grant the license as requested.** Mr. Johnson stated that he feels a liquor license is a privilege, that it is up to the owners to adhere to the laws and at the first infarction we will call the applicant in to explain to the Board.
Mr. Blomgren said he thought we had made a commitment and thought that CAM Corp. was comfortable with a 12 midnight closing. He had thought that Sun. - Wed. was 12 and Thurs. - Sat. 1 am for a trial period. He shares all the concerns of the neighbors and said we have to rely on the neighbors and ownership to keep the Board on their toes.
Mr. Ready said he has serious reservations granting a closing past midnight to a family restaurant, that it is easy to grant but almost impossible to take away a liquor license. He does not see much problem in using bar stools if there are no problems and reasonable hours of operation in a residential neighborhood.
Mr. DeFreitas moved to **amend Mr. Johnson's motion to make closing hours Sun. - Wed. 12 midnight, and Thurs. - Sat. 1 am, with the stipulation that they serve hot food until 1 hour before closing** and the restriction on the bar will be removed.
Vote on the motion was 3 in favor, 1 opposed (Mr. Ready).
Mr. Logan rejoined the meeting.

Discussion then continued on the warrant articles for the October 21 Town Meeting.

Art. 9. Motion by WRL, second RDeF, unan. to recommend at Town Meeting.

Art. 10. Motion by WRL, second RDeF, unan. to approve.

Art. 11. Motion by RAB, second RDeF, not to support. Mr. Logan said he wants to hear the proposal at Town Meeting. Vote was 4 in favor, 1 opposed (WRL).

Art. 12. Motion by HRJ, second RDeF, unan. to recommend at Town Meeting.

Art. 13. Motion by HRJ, second RDeF, to approve providing it meets the criteria of the zoning by-law. Vote was 4 in favor, 1 opposed (WRL).

Art. 14. Motion by RDeF, second by HRJ, unan. to recommend at Town Meeting.

Art. 15. Motion by WRL, second RAB, to recommend at Town Meeting. Town Manager Lynch said he is opposed to this article, calling for a 10 year reinstatement period for Fire Dept. employees under Civil Service. Vote on Mr. Logan's motion was 2 in favor (WRL and RAB), 3 opposed.
Motion by RDeF, second HRJ, to not support this article. Vote was 3 in favor, 1 opposed (WRL), 1 abstention (RAB).

Arts. 16, 17 and 18. Motion by WRL, second RDeF, unan. to recommend at Town Meeting.

Art. 19. Motion by WRL, second RDeF, unan. to support.

Under Reports, Mr. Ready asked for a full Police report on the accident which occurred on Saturday, Sept. 21 at the intersection of High St. and Acton Rd. be forwarded to the Traffic and Safety Committee.

Mr. Ready said that as requested by Jeff Stallard in Open Session, he would like to see the POW/MIA flag flying in Vinal Square. Mr. Lynch said it will be by the weekend.

Mr. DeFreitas reported that he has received a report from the Town Accountant, which he read, indicating that no Town employee falls into the dual employment category.

Mr. Johnson said that he feels our practices, policies and procedures are headed the wrong way, that we are backing ourselves into a corner by adopting so many policies. We should look at each agenda item and judge it on its own merit. He doesn't think that all policies have to be put in writing. Motion by Mr. Johnson, seconded by Mr. Logan for discussion, to take policies off the agenda. Mr. Logan said he feels we need procedures, maybe not policies. Mr. Ready stated that without policies we basically jeopardize our right to refuse a license. Mr. DeFreitas feels that policies should be global, not specific, and that they shouldn't be procedural.
Mr. Johnson said he will withdraw his motion as long as we all understand that we don't want to be backed into a corner.

Mr. Blomgren reported that re the Halloween celebration, he sent a note to the Police Chief, who answered that he has no problem with either night, but supports the traditional October 31st celebration.
Mr. Blomgren asked when will Grove Street be changed to Summer Street and Mr. Lynch reported that he and Town Counsel will be ready to have it put on the agenda for the 1st meeting in November.

Mr. Blomgren reported that Dracut has a good recycling program and asked Barb Scavezze to bring a report to October 28 Work Session. Mr. Lynch said they will do an update on all local Towns.

The Town Manager reported that the International City Managers Association conference was held in Boston this past week with over 4,000 managers attending.

Under Other Business, Mr. DeFreitas read a letter from Rene LaRouche re beavers in North Chelmsford again, and asking the Town to live trap and relocate the beavers. He added that the Friends of Animals have not done anything to help.
Motion by Mr. DeFreitas, second by Mr. Logan, unan. that the Town Manager look into the problem.

Under **Policies**, the vote on policies previously presented was:
1. Mr Ready's policy on petitions to review conditions placed on Alcoholic Beverage Licenses: motion by Mr. Johnson, seconded by Mr. DeFreitas, to approve. Vote was 4 in favor, 1 abstention (Mr. Logan).
2. Mr. DeFreitas' policy on licenses and permits and tax delinquency - motion to adopt the first section by Mr. Johnson, seconded by Mr. Logan, unan. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to table the second section until he has a chance to redraft it.

Motion by Mr. Logan, seconded by Mr. Johnson, unan. to **re-appoint Judith A. Olsson as a member of the Board of Registrars** for a three year term.

At 9:15 pm motion by Mr. Logan, seconded by Mr. Johnson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Work Session of the Board of Selectmen held Monday, September 30, 1991 at 7:00 pm. Members present were: Mr. Ready, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Mr. Logan joined the meeting later. Town Manager Bernard lynch was also present.

At 7:02 pm motion by Mr. DeFreitas, seconded by Mr. Johnson, to adjourn to Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready- Aye.

The Board returned to Open Session at 8:40 p.m. and discussed the procedure to be followed in issuing or renewing licenses.

A check-off form will be formulated for each type of license. Information to be supplied includes the following:

1. Minutes of meetings where previous license requests have been granted or denied (to indicate restrictions, etc.)

2. Report from Tax Collector re any deliquency

3. Any real estate interest and financial interest on part of owner of property or license applicant

4. Floor plans

5. Hours of operation requested

6. Form for criminal background check

Mr. Johnson left the meeting at 8:30 p.m.

7. Statement of need (other establishments in area offering same services)

8. Building Inspector: zoning, accessibility, signage

9. Parking and Traffic: impact on traffic, number of parking spaces

10. Background of personnel: experience in serving/dispensing, training plan if new employees

11. Notification of abutters

12. Check with police for calls and incidents

13. License to be displayed

14. Liquor to be secured when not being served

15. Form to be made up for owner's signature indicating that he ackowledges any conditions

16. Acknowledgement in writing of property owner that he is aware of license applicaiton or transfer

Mr. Blomgren left the meeting at 9:00 p.m.

It was decided that all license renewals will be voted at the first meeting in December and the public should be notified.

After further discussion the meeting adjourned at 9:15 p.m.

For the Board of Selectmen, by

Dodd E. Carter

Regular meeting of the Board of Selectmen held Monday, October 7, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 7:45 p.m. He asked for a moment of silence for the 3 young men killed in an auto accident on Acton Road last week.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim October 10, 11 and 12 as Knights of Columbus Handicapped Days.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to proclaim Return to Your Roots Reunion for the CHS Classes of 1955, 1956 and 1957.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 16, 1991 regular meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 16, 1991 Executive Session.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 23, 1991 regular meeting.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the September 23, 1991 Executive Session.

Former Selectman Bonita Towle was present and Chairman Ready read Citations from the State Senate, sponsored by Senator Lucille Hicks, and House of Representatives, sponsored by Rep. Carol Cleven, commending her for her 12 years service as a Selectman in the Town of Chelmsford.

Representatives of Independent Delivery Service, Beacon Communications, were present. Mr. Ready said that we have received numerous complaints from residents that plastic bags containing advertisements were left at homes where they are not wanted. Stewart Graff, head of the Carrier Division said that they keep a list of DND's (Do Not Deliver) and only want those who want it to get it. When they receive a complaint they speak to the agents and carriers, and note the DND on the maps of the routes. They deliver to app. 11,000 homes in Chelmsford and some complaints do slip through the cracks. There is a very small percentage of people who do not want delivery.
If residents receive the flyer who do not want it they can call Beacon Communications 800 number and ask for Michael DeCellis.
Mr. Graff said that the employee who delivered twice to 132 Dalton Road was terminated. When they get a complaint they call the person personallly, mark the map and they shouldn't receive the flyer the following week.

George Simonian from the Chelmsford High School Alumni Association was present. Each Board member disclosed that he is a member of the association, and Mr. Logan stepped down since the matter involves liquor. Mr. Simonian said that the association is requesting a 1-day liquor license for November 30th. Thanksgiving weekend will be Alumni Weekend for CHS, with some classes holding reunions and a get together at the Armenian Cultural Center on Sat. night. for any alumni. Last year they held the event at the Courthouse, but it is not accessible for handicapped, so Mr. Simonian offered the hall at the church. They are requesting hours from 7 pm - midnight. Mr. Blomgren said we will need permission from the church in writing. Motion by Mr. DeFreitas, seconded by Mr. Johnson, unan. to grant a 1-day liquor license for Nov. 30 to the CHS Alumni Association. The vote was 4 to 0, Mr. Logan not voting. The Adm. Asst. was instructed to add permission from the owner under procedures for a 1-day liquor license.

Souhil KassHana was present requesting the transfer of the Common Victualer license at One Village Square from Deli Express to his International Restaurant. He will be serving food from Italy, Mid East, Mexico, America, Greece, etc. He is adding new equipment and asked for hours from 7 am - 10pm. He has app. 56 seats and wants to use the sidewalk area in the summer, as has been done before. He has 10 years experience in the restaurant business, and is keeping basically the same floor plan, adding a small wall to hide the freezer and refrigerator.
Mr. Blomgren moved to approve the transfer of the CV license, with hours from 7 am - 10 pm, seconded by Mr. Defreitas, unan. Mr. KassHana said he will be officially opening in about 3 weeks.

Reps. from Mass. Electric and New England Telephone were present to discuss the status of double poles. Jim Lehan, New England Telephone Co. said that the outstanding poles are along Stedman, Chelmsford, Flethcer, Westford Streets and Dalton and Riverneck Roads, by the cemetery.
Mr. DeFreitas asked why there is a pole in the middle of Canal Street and Penny Hamel, Mass. Electric, said the pole was there before the road was built. They will look at it and see what they can do. They said that New England Telephone is responsible for poles in Chelmsford.
Jim Lehan, said that the order on taking wires off a pole is Mass. Electric, Fire Alarm, Cable TV and then the phone co. Then the pole is removed. When a pole is first erected they notify and meet with the other companies and try to work out the sequence to use when the pole is placed. Mr. Ready said that as Mr. Lehan outlines the process he can see why it can take 6 months. Mr. Lehansaid that there have been 27 poles involved with the road widening on Rte. 110 and most are down. They will do Fletcher Street within 2 weeks.

The Board will request in writing to have the Canal Street pole removed.
They asked to have a new list of double poles by the Oct. 28th meeting.
Jim Lehan said that in 1992 they have extensive construction planned in the areas of Boston Road, Concord Road and South Chelmsford, which will cause more double poles for awhile.

They then discussed power outages and emergency situations with Mass. Electric. Mr. Blomgren said that when Hurricane Bob hit and large areas of the Town were without power it was difficult to tell residents when they would be getting power, and we want improvement in that area.
Bill Flaherty, Asst. District Manager in North Andover, said that the electic company has done a self-critique over this storm, said that they had 7,000 people out in Chelmsford that nite, and try to get the big feeders on first. Dick Harding, who was dispatching crews, said that the last 400 - 500 people are the hardest to get on. They had 15 - 16 crews in the MV district and 90% of their customers were back on by Wed. and the rest by Friday.
They have a few problems in No. Chelmsford and now are identifying hot spots on the line that might fail and repair them. Mr. Ready asked if these hot spots could cause a car radio interference problem in the Center and Mr. Harding said Yes, but it could also be a home or business that is causing it. He added that there are substations in the Acton/Concord Road area, also on School Street and Quigley Avenue, and the feeders come from these substations. He said that the reason power goes out more than phone lines is that the top 3 wires on the pole are electrical, and the phone line is lower and only one cable.
Mr. Lynch commented that his contacts with Mass. Electric were excellent during the storm. Mr. Flaherty said he knows they have room for improvement and have a new computer system since Hurricane Gloria which shows when people call. He urged customers to keep calling during outages, that they have a Storm Restoration System that indicates what areas are still out.

Mr. Blomgren said that we had power problems before Hurricane Bob and Mr. Flaherty said they have looked at all 13,000 volt lines and replaced cables and equipment, did a major tree trimming project and are monitoring feeders closely. Mr. Blomgren said he is concerned about No. Chelmsford and Ms. Hamel said that the problems are due to the Brentwood Drive development, that the wires are underground and all have been or are being replaced.
Mr. Harding said that the whole Vinal Square area has been rebuilt, they have a troubleman on 24 hours a day, but crews have to be called in after hours and that takes time.
Mr. Blomgren asked for a list of contact people during a major storm, and was told that this will be furnished. It was also stated that any medical emergency should be called in directly to the company, and Ms. Hamel added that it would be helpful if

residents knew the pole numbers when they called about outages.

Attorney James Geary was present to make a presentation on the Chelmsford Mall re-zoning article. He introduced Barbara Carye, representing Altid Properties. Ms. Carye said that this is not really an expansion of the Mall but the zoning change leads to increased usage. She will also answer questions on Altid's taxes.
The Mall is a 28.5 acre parcel now zoned CA, IA and CC; they want to have it rezoned all CC, Shopping Center District. They submitted a petition and the Planning Board held a hearing and voted to support the rezoning. They are not bringing in a proposal to increase the height of the Mall. The height restriction is 35 feet, setbacks are more stringent, but the CC zone allows restaurants and financial and medical walk-in centers. There ae 2 other CC zones contingent and adjacent- Route 3 Cinemas and Demoulas Plaza. The density is different, and the main purpose of the re-zoning is to upgrade the Mall. Architect Tim Mitchell said that they are putting on a 10% addition, and the points to be considered are architectural character, location and site improvements. Ms. Carye said that the Mall was built in 1971 and it needs refurbishing.
The Planning Board asked them about a covenant with the Town for property not owned by the Caryes - properties belonging to the Chianis and Merrill familices. They asked to have CA zones stay on either side of the property and if the Carye family or their heirs ever acquire Town properties they would discontinue curb cuts and add buffer zones.

Ms. Carye told the Board that out of the total Altid properties on Rte. 129 there is 350,000 - 400,000 sq. ft. vacant out of 1.7 mil. sq. ft., or 20 - 25%. They have no plans for expansion now.

Ms. Carye said that they have been working with the Town on the tax ababement process. The Mall taxes have been paid for 1991 and they have asked the Town to take a payment schedule on the remaining taxes. They have agreed and Altid will have the current 1991 taxes paid by the end of the Fiscal Year. They can follow the payment schedule, based on a 14% interest rate. Finance Director James Doukszewicz, who was present, said that as long as they meet the payment schedule we will be ahead by 9%. Their agreement with the Town is no different than we would do with any commercial enterprises, and he said that Altid is already ahead on their payment schedule.
Mr. Ready said that with the new signalization on Route 110 he wants to thank the Mall owners for their cooperation and donations of money, property and easements.

Attorneys Jim Geary and Jim Harrington then reported on the North Chelmsford Auto Parts Class III license. Atty. Harrington said he had asked to have the item put on the agenda since the Board last January had issued a license to expire on August 1st unless Mr. D'Angelo completed the requirements. The Conservation Commission is involved, and the owner of the property was to submit plans to them by March 1. This was done in June, and Mr. Harrington learned that they would not accept the plans. He had the Consv. Comm. and the engineer send a report to the owner. In July there was a meeting with the Consv. Comm., engineers, owners and attorneys. They came to an agreement but again the plans were not acceptable. In September plans submitted were finally acceptable to the Consv. Comm. and an agreement was made. The contaminated soil is to be removed by October 24th.
Phases 2 is the installation of a containment tank and by November 10 a full set of plans must be submitted to the Consv. Comm. showing a pole building and containment area. They will also have to go to the Board of Appeals. All applications for permits must be submitted to the Board of Appeals and Consv. Comm. by November 15, and the work is to be completed by May 1, 1992. If plans are not accepted by the Boards, they will have to submit new plans within 30 days. The Town's concern is that he needs to clean up the entire site to prevent contaminating run-off. **He is recommending that the Board extend the present license to the end of the year and put Mr. D'Angelo on notice that his license may not be renewed if he doesn't meet conditions.** Mr. Ready asked that we schedule the renewal hearing for the first meeting in December. Motion by Mr. Johnson, seconded by Mr. Logan, unan. to do so.
Mr. Harrington told the Board that the Board of Health has put the DEP on notice and the Consv. Comm. will notify them when the Order of Conditions is issued.

Under **Reports, Mr. Ready** said that during the Executive Session based on the advice of Town Counsel the Board has voted to **release the document dated August 16, 1991 from Atty. Boumil to Mr. Ready. Mr. Logan read a statement drafted by Town Counsel** James Harrington (made a part hereof and attached hereto).

Mr. Logan reported that the **Traffic and Safety Committee** will hold their regular monthly meeting at 7:00 p.m. on October 16 and the Acton Road accident will be discussed.
He reported that he is working on the formation of the committee for his **Economic Development Plan**, and has attended other Town and City projects.

Mr. Johnson reported that the **Volunteer Field - the Senior Little League Field** - looks exactly as they said it would and Little League should be commended.
He asked what specific date has been set for the **lights on Chelmsford Street to be turned on** and Mr. Logan said that October

28th is the completion date.

Town Manager Lynch reported that he has had several calls from the School and Finance Committees asking to meet with the Board to discuss the teacher salary deferral issue and the future financial condition of the Town. The date is set for Tuesday, October 15 at 7:30 pm at the Parker School.

He reported that on the Lowell Landfill the DEP has ordered Lowell to come up with a plan for stopping the use of the landfill. The City is appealing that decision. There will be meetings and we will monitor them.

Mr. Lynch said that on revenues receivable he will have a report by the end of October and Mr. Doukszewicz will report on where we stand tonight. Mr. Doukszewicz said that on outside details we have a flow of $25,000, that he has told the Sewer Department to withhold payments if details are not paid, and that Altid has also paid all their details and property taxes through June 30, 1991. They now have a payment schedule. On personal property taxes the receivables are constant and on rental receivables for Town properties, payments are monitored closely and not a problem.

Under Other Business Mr. DeFreitas read a statement (made a part hereof and attached hereto) on the Beth Kinney v. Bernard Lynch suit, stating that he believes a person is innocent until proven guilty.
Mr. Blomgren said he supports Mr. DeFreitas' statement and feels deeply about the Town having to spend money and expend energies on this matter but he feels what we are doing is prudent.
Mr. Logan commented that when you sit on the Board you do receive phone calls, and can't tell people how we discuss and vote in Executive Session, only that much thought and discussion goes into each vote.
Motion by Mr. Logan that under Chapter 258 we wait until Feb. 18, 1992 when we may get formal notice that we are being sued and that the Board not continue to correspond with the complainant, seconded by Mr. DeFreitas for discussion. Mr. DeFreitas said that the Board has acted prudently and shouldn't do that. Mr. Johnson said that the Town shouldn't close the lines of communication and cautioned his colleagues that 6 - 12 citizens don't constitute a quorum and we don't need to defend our votes or justify answers when we are acting prudently.
Vote on Mr Logan's motion was 4 against, 1 in favor.
Mr. DeFreitas and Mr. Blomgren each said that they would listen to each caller and explain their actions to each one and continue to be answerable.

Under **Policy, Mr. DeFreitas moved to adopt the second part of his policy on renewing licenses and delinquent taxes.** Mr. Doukszewicz said that the Board can revoke or refuse to renew a license if the delinquency is over 1 year. This is a by-law that we have accepted by adopting the Mass. General Law. The BOS office checks with the Tax Collector every year before renewal and he makes the property owner aware of the delinquency and towards the end of one year he notifies them that we may not renew if their taxes are not paid.

Mr. Blomgern introduced two new policies on Smoking (Mr. Lynch said that the Board of Health has jurisdiction over smoking in public places) and **Substance Use and Abuse.**

Under New Business Mr. Logan said that re **Handicapped Parking** he is tired of seeing big non-handicapped cars in handicapped zones and wants the Town Manager and Police Dept. to do what they can to discourage this. He hopes that we can call the police if we see a violation, and Mr. Blomgren said let's ask the Police Chief what other cities and Towns do.

Mr. DeFreitas asked for a recommendation from the Town Engineer on the Canal Street pole.
Mr. DeFreitas said he wants to criticize Chelmsford Independent editor Rick Lombardi for writing that Board members were falling all over each other to vote an All Alcoholic license for Skip's. He said it was not all Board members.

Mr. Blomgren asked if we have departed from the State sign standard. Mr. Lynch said he will check, and added that we are looking into new adhesive road markings.

At **10:15 pm** motion by Mr. Logan, seconded by Mr. DeFreitas, unan. **to adjourn.**

For the Board of Selectmen, by

Judith E. Ortz

OCT 16 '91 19:03 JAMES T. HARRINGTON
ost-it™ brand fax transmittal memo 7671 | # of pages ▸ 3
To Judy Carter | From Pat Hannon
Co. | Co.
Dept. | Phone #
Fax # | Fax #

October 7, 1991

A claim has been made against the Town of Chelmsford, the Board of Selectmen, and the Town Manager by Beth A. Kinney alleging she was subjected to wrongful acts of an employee, namely the Town Manager, allegedly constituting the following causes of action:

(1) Assault & Battery

(2) Intentional and/or Negligent infliction of emotion distress

(3) Violation of Civil Rights

(4) Sexual Harassment

(5) Violation of Privacy

Under Chapter 258 of the General Laws, Beth Kinney must wait until February 18, 1992 prior to bringing suit against the Town of Chelmsford. However, her attorney is of the opinion that this does not prevent him from filing an action against the Town Manager personally at this time.

On September 27, 1991, the Town Manager was served with a Complaint filed in the Middlesex Superior Court. It is our opinion that the allegations in this suit are consistent with the allegations contained in the claim letter of the Plaintiff served on the Board of Selectmen August 19, 1991. After conferring with Town Counsel it is also our opinion that this action was commenced against the Bernard Lynch in his capacity as Town Manager.

The Town of Chelmsford and the Board of Selectmen shall be represented in this action by James M. Harrington, Town Counsel. The Board has been advised by Town Counsel that separate counsel should be appointed for the Town Manager as a question of conflict could arise as Town Counsel is currently engaged in supervising an investigation of the allegations contained in the claim letter dated September 16th from Attorney Boumil.

Under the authority of Mass. General Laws Chapter 258, Section 9 the Board of Selectmen has appointed Michael Collora, Esq. as special counsel to provide a defense for the Town Manager in this law suit. The Town shall continue to provide this defense so long as the allegations pertain to actions of the Town Manager while acting within the scope of his official duties or employment.

The Board of Selectmen is currently conducting an investigation of the allegations under the supervision of Town Counsel and upon completion of this investigation shall review our position to provide a legal defense to the Town Manager and shall not continue to support this defense if it is found that the Manager either acted outside the scope of his employment or in a grossly negligent, willful or malicious manner.

It has been the policy of the Board of Selectmen to provide a legal defense to our employees for any claims brought against them as a result of their employment until

an investigation shows that their actions were in fact outside the scope of their employment. After conferring with Town Counsel it is our opinion that providing this defense for the Town Manager is in the best interest of the Town pending completion of the ongoing investigation as the Town may be held liable for his actions if he were acting within the scope of his employment.

Over this past weekend I received many telephone calls concerning my vote, at last Monday's Executive Session, to subsidize the Town Manager's legal fees in the sexual harassment suit filed against him. Most of the callers are supportive; however, some are indeed angry and think it's politics... as usual. Well, I like to think of myself as a responsible elected official and not a politician, per se. As such, I believe that I am answerable for my actions to the citizens of Chelmsford.

Therefore, I am going to break precedent and fly in the face of advice from legal counsel to make the following statement:

We are fortunate to be Americans. We live in a country that differentiates itself from the rest of the world by honoring certain fundamental rights as guaranteed by the Constitution. One of the most important of these rights is the presumption of innocence until proven guilty. That right alone is what makes America unique. You need only review what is happening in other parts of the world to appreciate this. The same basic right of *innocence until proven guilty* must be applied to the issue that was before the Board of Selectman last Monday.

We have a case in which the Town Manager is accused of wrong doings that allegedly took place during working hours and within the confines of Town Hall. There are many arguments that can be made both for and against these allegations. In order to sort these out, the Board of Selectman has appointed Special Counsel to conduct an investigation. On that note, I have full confidence that Attorney Nyman will be thorough and impartial... I expect a comprehensive report and recommendation at the conclusion of his investigation.

Meanwhile, the Town Manager must be considered innocent until proven guilty. And, it is certainly within our jurisdiction to indemnify the Town Manager for his legal expenses under these circumstances. This we must do if we really do believe in the American system of justice.

Many of the phone callers suggested that the Board acted too hastily and that we should have, instead, agreed only to reimburse the Town Manager if he is found innocent as opposed to the action we took. This implies a presumption of guilt... and is inconsistent with his basic rights under the Constitution.

Let me digress for a moment... *I did not run for Selectman to be Judge and Jury in the Bernie Lynch sexual harassment case. I ran so that I could help solve the many fiscal issues that confront the Town of Chelmsford. There are many contracts to be negotiated this year... not to mention the residual budget deficit and the upcoming budget for next year. This is what I want to tackle. This is what I believe I was elected to do.* **Back to my statement...**

Truth and Justice have a way of rising to the top. I am sure that once this case is concluded, the truth will surface and justice will be served. This is the American way and I fully subscribe to it. If Mr. Lynch is found guilty, I am sure that this Board of Selectman will take appropriate action without any hesitancy whatsoever... including a demand for full restitution of all legal fees.

In conclusion, I believe that the board acted wisely and in the American tradition last Monday. In addition, I believe I acted in the best interest of the Town of Chelmsford... knowing full well that I will not hesitate to support whatever appropriate steps are deemed necessary, if and when the situation warrants it. I expect my colleagues will do the same.

I hope this statement gives you, the concerned citizen, voter and taxpayer some insight as to my actions in this matter.

RICHARD E. DeFREITAS,
Selectman,
Town of Chelmsford

RECEIVED
91 NOV 18 AM 11:31
TOWN OF MILFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, October 21, 1991 at 6:45 pm at the Parker School. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Blomgren. Mr. Johnson was absent due to illness. Town Manager Bernard Lynch was also present.

Chairman Ready called the meeting to order at 6:45 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of October 7, 1991.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of October 7, 1991.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Work Session on September 30, 1991.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the Executive Session of September 30, 1991.

Donald Darling, owner of "Pockets" billiard parlor, was present requesting a Weekday Entertainment license. He said he wants to expand the number of tables, including other games, put in a juke box and possibly have a Disc Jockey from time to time. Mr. Ready said he has no problem with the increase in tables but has a problem with music and dancing, since it will raise the noise level. Mr. Darling said they wouldn't have the music any louder than they now have the stereo and wouldn't have bands. They want to be able to increase their table rate, and there has never been a complaint in two years about the noise level.
Mr. Logan asked if the owners of the complex are aware of his plans and supportive, and Mr. Darling said Yes, and they all know that they have signed a covenant never to apply for alcohol or video games.
Mr. DeFreitas asked about the dance area, and Mr. Darling said it is a 20' x 20' area, that normally will have ping pong tables in it. He added that they are going to acquire another 1,000 square feet.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve. Mr. Ready said he would approve of everything requested but a Disc Jockey, and Mr. Blomgren said he would be afraid that BumBleBee's would want to have one, too.
Mr. Darling said that everything is going under in Garrison Place, that the local kids want more to do than just play pool, and they want a place for them. He asked if they could have a trial period.
Motion by Mr. Blomgren, seconded by Mr. Logan, unan. to grant a Temporary Weekday Entertainment license thru 2:00 am on January 1, 1992.

Gregory Spring, 31 Amble Road, was present requesting **Roadside Vendor's licenses to sell Christmas trees at two locations:**
1. **55 Graniteville Road, Sully's Ice Cream Stand** - he has sold trees there for the past several years. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.
2. **116 Chelmsford Street, Skip's Ice Cream.** Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve **when Mr. Spring brings in written permission from the owners of Skip's,** unless Richard Sullivan can sublet the ice cream stand.

Donald Krohl, Jr. was present requesting a **Roadside Vendor's license to sell Christmas trees at 33 - 45 Vinal Square**, a vacant lot. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

There were no Reports.

Under **Other Business Mr. Logan** said that the Traffic and Safety Committee discusssed the fatal accident on Acton Road and are going to add speed signs and intall more lighting. Safety Officer Patrick Daley is coming to the next meeting.

Mr. Blomgren reported that Town Accountant Bernard Meyler has problems that he needs to talk about with the Board. Mr. Ready said to ask him in for the November 4th meeting, and reference his letter of September 30.
Mr. Blomgren recommended that the Board delegate one member to attend the **MMA conference** in January. This was not voted. He asked if Treasurer Jim Doukszewicz is looking into having the **MMA collect excise taxes** and Mr. Lynch said he is.
Mr. Blomgren questioned if we will respond before the deadline re **E-911**, and Mr. Lynch said we have already sent a letter to the State.

Mr. Blomgren then discussed the **closing of Town Offices for 3 days Christmas week**, as recommended by the Town Manager. Mr. Lynch explained how he has contacted the union and has made a trade - if we do this there will be a trade, with no closing the day before New Year's. Mr. Blomgren said he is not comfortable with closing the building and asked the Town Manager to provide an analysis of any cost savings.

Mr. Blomgren introduced a new Policy on Corrective Action. His policy on Smoking, presented at the last meeting, was discussed and Mr. Lynch said there are problems with prohibiting smoking in all Town owned buildings, that he thinks the Board should go along with the Board of Health requirements. The proposed policy will cause problems with making rental agreements.
Motion by Mr. DeFreitas, seconded by Mr. Logan, unan. to table the policy question until the next meeting.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn to Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

RECEIVED
91 DEC -3 PM 3:03

Regular meeting of the Board of Selectmen held Monday, November 4, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

During the Open Session of the meeting former Selectman Bradford Emerson was present to discuss the closing of the Lowell landfill with the Board. Town Manager Lynch told the Board about a plan that Lowell has filed with the State, asking for additional time of 3 - 5 years to keep the landfill open, claiming that to close it now as the State has ordered will wipe the City out financially. Mr. Emerson urged the Board to push for the systematic and timely closure of the Lowell Landfill and to resist the full court press currently being applied to the Lowell legislative delegation.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan,. seconded by Mr. DeFreitas, unan. to approve the minutes of October 21, 1991.

Chairman Ready noted that there are Webelos from Den 6, Pack 70 and Boy Scouts from Troop 75 in the audience, all working on their citizenshiop badges. He asked Selectman Logan to introduce the boys.

Chairman Ready then announced the Classification Hearing. Board of Assessors Chairman Diane Phillips said that their recommendation is to continue to classify, and that it is up to the Selectmen to set the shift. She stated that once a Town has classified we can't go back to zero classification without hurting residential property owners. She said that we don't have the final numbers yet but at the present flat rate of $14.68 the average home will pay $2,348.80. With a 5% classification shift the rate will be $15.41 commercial and $14.42 residential, with the average homeowner now paying $2,308.88. She showed taxes at each percentage shift on a residence valued at $160,000. Ms. Philips said that the decline in total taxable property last year was over $3,000,000.

Mr. Blomgren proposed raising the business shift to 7%. Mr. Ready asked what was the value drop last year and Ms. Phillips said app. 10% on residential and 20 - 25% commercial/industrial.

No one wished to give input form the public except John Harrington, speaking as President of the Chelmsford Business Association. He said that it is no secret that the vacancy rate is 40% in commercial/business properties, that 5 members of the association went bankrupt last year. He polled the members of the association and found that they provide 300 full-time and 127 part-time jobs to Chelmsford residents. He said the businesses are not asking for special favors - just to pay the same rate as residences.

Mr. Ready closed the Public Hearing.

Mr. Johnson commented that he has always felt that it was double taxes on commercial property to have classification, since it is already taxed at a higher rate than residential. Classification is not meant to subsidize a Town like ours, with 75% residential and 25% commercial properties. He would like to go tack to a flat rate but does not want to incite the residents.

Mr. Logan said that in 1987 the Board of Assessors wanted a flat rate but they now want 5%. He spoke to the Chairman of the Board and they feel it is not time to tax the businesses more. In 1987 businesses were doing well.
Motion by Mr. Logan, seconded by Mr. DeFreitas for discussion, to request that classification be rolled back to 2 1/2% as a compromise, let the Town compromise at a rate of 102.5%.

Mr. Ready said he was a proponent of classification in 1987 because it helped to fund the sewer program. This is not a good time to change the rate, and he does not support the motion.

Mr. Logan said he realizes it is not a good time but property owners are claiming that they can't sell their houses. He has heard that the commercial vacancy rate is 40 - 45%, and he feels that it is time for the Town to show that Town government will work with business.

Mr. DeFreitas commented that most businessmen in Town are also residents and he feels that this is a transitional year and no time to make any kind of change. After this time he will recommend a flat rate, but leave it the way it is for one year.

Mr. Johnson said he did a study of the Towns who classified in 1987 and has found they are in rough times. Those who classified very little,like Chelmsford, are doing a litle better. He now feels that a compromise is the fair way and would go along with Mr. Logan in reducing the commercial rate to 2 1/2%.

Mr. Logan said that the Town of Chelmsford businesses are doing well compared to other towns, but Mr. Ready said he disagrees.

Mr. Blomgren said he doesn't think that Mr. Logan's motion shows what the implications are to homeowners. Mr. Ready added that a 5% tax on businesses represents the cost of sewerage. Mr. Blomgren said that if we retain classfication as it is today the average tax bill will go up by 10%, and evaluations are going down by 8% per year.
Mr. Blomgren told Mr. Logan that if his motion passes the residential taxpayer will be paying 10 1/2% more and businesses 10% less, and asked if that is fair - $15.04 vs. $14.55. He said that this is one of the most important decisions that the Board of Selectmen will make.

Mr. Ready said he has a **motion to set the classification at 102.5%.** Vote was 2 in favor, (Logan and Johnson), 3 opposed. **Motion failed.**

Motion by Mr. Johnson, seconded by Mr. DeFreitas, **to set classification at 5%.**
Mr. Blomgren said that the taxpayers can't take on any mnore burden and he can't endorse staying at last year's 5% - it hurts the taxpayer. A 107% classification would make all taxpayers pay the same. Mr. DeFreitas said he agrees with Mr. Blomgren but this is not the time to make the shift to a bedroom community. Leave it where it is, and Mr. Ready said he agrees.
The vote to leave classification at 5% was 4 in favor, 1 opposed (Mr. Blomgren).

Mr. Ready said that the scheduled meeting with the Town Accountant is actually a Work Session and will be held at the end of the meeting.

Motion by Mr. Logan, seconded by Mr. Defreitas, unan., **to approve the issuance of a Roadside Vendor's license for the Little League organization,** to sell Christmas trees and wreaths at their Route 110 field in December.

Mr. Lynch told the Board that we have been requested by **Mr. and Mrs. Qualters for a street opening permit on Hildreth Street.** They need a 900 foot gas line to service their new home. The area has recently been repaved and no permits can be issued after November 15th or within 2 years of repaving without a special permit. We have proposed to the gas company that they use Plum Street as access, since that needs to be upgraded. There was then a discussion by the Board as to where lines run down streets and it was discovered that there are no set rules.
Motion by Mr. Johnson, seconded by Mr. Logan for discussion, to approve and have the means of access on the street which the DPW Director thinks is in the best interests. Mr. Lynch explained the difference between this situation and Mike Sargent receiving permission for his new building on Chelmsford Street. Mr. DeFreitas questioned our Building Permits, and is this part of the procedure. The Qualters said that their new home is already set up for gas appliances and Mr. Lynch said this is a $20,000 installation job.

Mr. Ready said he would support a motion to ask the Town Manager to put pressure on the gas compnay to comply. Vote was unanimous in favor.

Under **Reports, Mr. Logan** said that the Traffic and Safety Committee is meeting on November 20 at 7 pm and looking into Vinal Square concerns. Mr. Logan said to Mr. Lynch that going up Princeton Street it was not repaved over the bridge. Mr. Lynch

said that the bridge needs renovations and he has written a letter to the State. Mr. Logan noted that we have the same situation on Middlesex Street.

Mr. Johnson reported that the Holiday Decorating Committee is sponsoring a **Holiday Prelude** the on a Sunday in December and he is asking the media to publicize it. They want to eventually put it on the same scale as the 4th of July Parade.

Under **Town Manager Reports**, Mr. Lynch said that we have **hired a Highway Superintendent** - John Long, Groton Road. He delayed the hiring until November 1st but feels it is essential and we can now coordinate the department more effectively. We are at the forefront of privatization and need a coordinator. He and DPW Director Pearson interviewed 7 people, and found Mr. Long most qualified - he has worked with Campanelli and for 20 years as Superintendent of the Watertown Mall.

Mr. Lynch reported that regarding Mr. Emerson's statements on the Lowell Landfill, he has heard that Lowell is asking for a 3 - 5 year extension but the Town of Chelmsford is asking the State to go ahead with the closing and we are asking for a meeting with Sen. Hicks and Rep. Cleven and the State DEP. Our legal counsel is working with the state DEP and residents who have filed suit. Mr. Ready said this could be an opportunity to extend an olive branch to Lowell - we had to close our landfill and now they have to close theirs. Mr. Lynch said he has sent a letter to the DEP, with copies to Sen. Hicks and Rep. Cleven.

Mr. Lynch said that money was set aside for **advertising the Veterans' Agent** position at Town Meeting and he is advertising. He has already received 5 resumes from military personnel and they appear to be outstanding people. Mr. Ready asked for the job details.

Under **Old Business**, Mr. Logan said that he has had calls again about the **Independent Delivery Service**, that deliveries are still being made when people have requested them to stop. Motion by Mr. Logan, seconded by Mr. Logan, unan. to have them come in to our next regular meeting.

Mr. Blomgren asked about the **beaver problem** and Mr. DeFreitas said that he and the Town Manager went to look at the damages in North Chelmsford behind the glass company.

Mr. Blomgren asked that **Chief McKeon** be asked for a **report on Halloween night**, any incidents, etc. or problems having the celebration on the actual night, rather than Sunday.

Under **Policies**, no new policies were introduced.

Mr. DeFreitas asked if there is a policy on public officials endorsing a certain newspaper, as the Police Chief appeared to do with the Lowell Sun.

The **No Smoking policy** proposed at the last meeting was discussed. Mr. Lynch said it is correct that the Board of Health prohibits smoking in public buildings but there are designated areas for smoking, and does this include all Town-owned buildings. Mr. Ready said he doesn't think that the schools have any designated areas and should have. Mr. Blomgren asked the Town Manager to put in the proper wordage.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to accept the No Smoking policy but allowing the Town Manager to put in the words "except in designated areas".

Mr. Blomgren's **policy on Substance Abuse** - it was voted unanimously to adopt it provided that it is amended to add "Employee Assistance Program and that the Town will comply with the Drug Free Workplace Act."

Mr. Blomgren's **policy on Employee Performance** - Mr. Logan asked isn't there something in place right now, and Mr. Lynch said this doesn't supercede or change any union contracts. Mr. Johnson said he has no problem with the policy, but isn't it redundant.

At 9:00 pm the Board moved downstairs to the Conference Room for a **Work Session with the Town Accountant** Bernard Meyler. Various problems were discussed, and Mr. Meyler's plans for the department. He said that principal clerk Marjorie McCormack is retiring in May and he would like to replace the union clerk with a non-union psrofessional. He asked about trouble with the Union if he does this. Mr. Ready told him not to worry because it would be creating a new position.

After further discussion motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to **adjourn at 9:30 p.m.**

For the Board of Selectmen, by

Judie E. Carter

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PRESS CONFERENCE

The Board of Selectmen held a Press Conference on Tuesday, November 12, 1991 at 1:00 p.m. in Room 204, Town Offices. Present were: Chairman Dnnis Ready, William Logan, Richard DeFreitas and Henrick R. Johnson, Jr. Town Counsel James Harrington was also present.

Mr. Ready read a statement which he handed to the press and is attached hereto. His statement commented on the **investigative report prepared by Attorney Philip Nyman** (also attached) **on the sexual harassment charge brought by Beth Kinney against Town Manager Bernard Lynch.**

The Board felt that this claim deserved a full investigation and thus hired Attorney Nyman. His report shows that he interviewed over 20 persons, both Town employees and others, and his reeport "disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment". Mr. Ready said that Attorney Nyman was given carte blanche in time and money to conduct a full, thorough investigation. Mr. Ready said that the Board will defend the Town Manager and the Town against these charges, will pay Mr. Lynch's defense and will defend the Town vigorously if a suit is brought in February and will countersue for a frivolous suit. The Town will adopt a written policy regarding sexual harassment and will appoint a two member Board to investigate any claims against elected officials or the Town Manager.

Bob Ellis, Channel 6, Chris Scott, Rick Lombardi and Jordana Hart were present from the media.

It was asked if either the Kinneys or their attorney James Boumil seen the report, and Mr. Ready said No, as far as he knows.

Chris Scott asked Mr. Ready for his perosnal reaction, and he said that when the Board met with Attorney Nyman they were impressed with his thoroughness.

It was asked if this ends the matter and Mr. Ready said no, there is also the civil action and waiting until the 6 months is up in February to see if the Town is sued.

It was asked if the report vindicates the Town Manager and Mr. Ready said Yes.

Bob Ellis asked what was the motiviation for the charges, was it frivolous or were they politically motivated. Mr. Ready said that according to Mr. Nyman's statement Mrs. Kinney expected more out of the job than she got.

Chris Scott asked what does he mean by that and Mr. Ready said that was Attorney Nyman's conclusion.

Bob Ellis asked is there no policy now on sexual harassment or is it weak, and Mr. Ready said it is understood that the Board will not condone harassament but the policy will be put in writing.

Mr. Ready said that if the Kinneys file under Chapter 258 the Board will defend the Town vigorously and countersue for frivolous action.

It was asked have all the Board's questions been answered and Mr. Ready said that as far as the Board looking at Bernard Lynch it is over.

It was asked what is meant by executive officers and Mr. Ready said all elected and higher appointed officials.

Chris Scott asked what the Town paid Attorney Nyman and Attorney Harrington said that we have not received the final bill yet, and Mr. Ready said he saw one bill in the $2500 range.

Chris Scott asked if the Town Manager is available for comment and Mr. Ready said he is in the building.

The conference ended at 1:15 p.m.

For the Board of Selectmen, by
Judith E. Carter

Statement of Chelmsford Selectmen
November 12, 1991
Dennis J. Ready, Chairman

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TOWN OF CHELMSFORD
MARY E. ST. CLAIRE

At the outset let me thank you for coming here today for this meeting. I am joined here by Selectmen Logan, DeFreitas, and Johnson; and Town Counsel James Harrington. Selectmen Blomgren is away this week on business.

On August 6th of this past summer the Board of Selectmen received correspondence from Atty. S. James Boumil of Lowell representing Milton Kinney. Mr. Kinney, currently a full time dispatcher in the Chelmsford Police Department had been a part-time Assistant Building Inspector. The thrust of Mr. Boumil's letter was a grievance filed with the Board in objection to a requirement of Town Manager Bernard Lynch that Mr. Kinney resign his position in the Inspection Department before his position as a dispatcher could take effect. Mr. Boumil maintained that Manager Lynch was acting on a personal vendetta against Mr. Kinney and his wife due to Mr. Kinney's opposition to a reorganization of the Veterans Agent's office; Mrs. Kinney's cooperation with an F.B.I. investigation; and alleged sexual harassment of Mrs. Kinney while she was employed by the Town as Mr. Lynch's secretary from December 1986 through early June of 1990. The Board's initial inquiry and a subsequent investigation of this matter indicates that the Town Manager acted properly in his requirement of the resignation as allowing the proposed dual employment would have constituted a violation of the Massachusetts Conflict of Interest law. The findings of this employment grievance are contained within a report prepared by Chelmsford Labor Counsel Atty. D. M. Moschos.

At that time in early August the claim of sexual harassment was a very small portion of the employment grievance. On August 19th Mr. Boumil filed additional correspondence with the Town further grieving the required resignation of Mr. Kinney and in a separate letter placed the Town on a six month notice that the Kinney's intended to sue the Town for $100,000 under Massachusetts General Law Chapter 258 citing sexual harassment, infliction of emotional distress, violation of Civil Rights and assault and battery. Several weeks after this notice the Kinney's filed the same charges in a civil lawsuit against Town Manager Lynch as an individual.

Under Chapter 258 the Town has a six month period to investigate the matter and then seek a settlement or deny the claim. The Board of Selectmen believed this claim to be a serious allegation that required a full investigation. The Board values the Town employees and will not tolerate sexual harassment in the workplace. Mr. Lynch was advised that the Board would obtain the truth through a full investigation that would determine the Town's liability and whether there was any substance to this claim.

The Board proceeded to hire Atty. Philip Nyman of Lowell as an independent special counsel to investigate the claim. Atty. Nyman was selected for his reputation as a solid and hard-nosed lawyer who had experience in similar matters. Specifically, Atty. Nyman had represented the secretary of a previous Town Manager in Dracut who had made similar charges that were subsequently proven to be true. The Board believed that Atty. Nyman would be exceedingly fair and thorough in his approach with any bias on the side of the female employee, Mrs. Kinney. Atty. Nyman was provided total carte blanche in the conduct of the investigation with no time or financial limitations.

This past Friday, after two months of investigation with the interviewing of over twenty individuals and the review of various evidence, Atty. Nyman and his office provided the Board with their findings and recommendations in the form of a final report.

Atty. Nyman's report has indicated that based upon overwhelming evidence the Town runs no real risk of liability from Beth Kinney's claim as the interviewee's " disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment". Instead, all of the interviewees, including Mrs. Kinney, indicated and declared that Town officials both appointed and elected " would not condone or tolerate sexual harassment" and "would take appropriate action in dealing with any allegations of sexual misconduct in the Town of Chelmsford workplace." Atty. Nyman has stated that " these responses are a tribute to the professional tone set by Town officials in this area and are a particular testimonial to the integrity of the elected officials of the Town."

As for Mr. Lynch, Atty. Nyman's report indicates that there is no evidence, outside of Mrs. Kinney's claims, that would substantiate or indicate sexual harassment or discrimination. In fact, Atty. Nyman reports that "every female employee..... stated without hesitation that Manager Lynch treated all employees equally. (That)..... the Manager was professional and courteous in all of his contacts with female employees of the Town of Chelmsford." and " that Manager Lynch relied heavily upon the female Town employees, and that he afforded them opportunities for advancement."

Atty. Nyman states that the evidence caused him to "observe that Beth Kinney may have overreached in her employment expectations with the Town of Chelmsford. She sought special work treatment. The refusal to grant these special work conditions may be the basis of her current lawsuit."

We were prepared to take appropriate disciplinary action if the report was negative and we are prepared to defend the Town Manager and the Town with the report that we have received. Accordingly, we will accept all of Atty. Nyman's recommendations. First, we will adopt a strong policy regarding sexual harassment and ask the appropriate Boards and officials to institute procedures to enforce this policy including the appointment by the Selectmen of a two person Board to investigate claims against the executive officers of the Town. This Board will consist of one male and one female. Secondly, in the ongoing litigation involving Mr. Lynch we will continue to pay fees of legal counsel that are incurred by the Town Manager. Thirdly, we will vigorously defend the Town if and when we are added to the lawsuit at the expiration of the Chapter 258 six month tort claims notice period. Further, if the Town is added to the lawsuit we will counter-sue Atty. Boumil and his clients for this frivolous claim.

Throughout the past three months, since this lawsuit began, the Board has dealt only in facts and substance. We have not prejudged but instead have sought the truth. As Atty. Nyman has indicated in his report the plaintiff and her attorney have relied upon a strategy of publicity and intimidation. The Chelmsford Board of Selectmen will not allow publicity to dictate the proper course of action for the Town of Chelmsford.

LAW OFFICES
PHILIP S. NYMAN
ATTORNEYS

PHILIP S NYMAN
KEVIN J GAFFNEY
KATHRYN F STEVENS

LEGAL ASSOCIATES PROFESSIONAL BUILDING
375-385 GORHAM STREET
LOWELL, MASSACHUSETTS 01852

TEL. AREA CODE 508
453-1321
459-0754
FAX NO. (508) 441-9291

Dennis Ready, Charman
Board of Selectmen
Town of Chelmsford
Town Hall
Chelmsford, Massachusetts

Dear Mr. Chairman and Members of the Board:

This office was retained by you to conduct an investigation with respect to the potential liablilty of the Town of Chelmsford as a possible Defendant in the case of Beth Kinney v. Bernard Lynch which is now pending in the Middlesex Superior Court. The Town has been noticed by counsel for Kinney that it will be added to the pending litigation. Our investigation began with a review of the applicable law as it relates to the present and future controversy.

The United States Supreme Court in Monell v. New York City Department of Social Services, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S.Ct. 2018) decided that a municipality can not be held liable for the actions of its employees solely on the basis of the existence of an employer-employee relationship. Rather, municipalities will be legally responsible for the acts of employees only where such acts occurred in the "execution of a government's policy or custom, whether made by lawmakers or by those whose edicts or acts may fairly be said to represent

official policy.

The Town of Chelmsford could be liable to Ms. Kinney under 42. U.S.C. § 1983, (the Civil Rights Act) if her alleged injuries were the result of some "policy or custom" of the Town of Chelmsford.

Therefore, the thrust of our investigation has been to determine whether or not officials or representatives of the Town of Chelmsford (other than Mr. Lynch) had knowledge or should have had knowledge of the alleged misconduct of Mr. Lynch, and yet failed to take any remedial measures to prevent injuries to its employees. The Town of Chelmsford will only be subject to liability only under certain conditions.

The Monell Court decided that, under Section 1983 of the Civil Rights Act an actionable "policy or custom" may consist of actions which did not "receive formal approval through official decision making channels."

The First Circuit Court of Appeals (the Circuit whose law would be most persuasive in the present case) has interpreted this line of analysis to mean that a municipality may be liable for inaction, where it "'knew or should have known'" that a town employee was acting in an improper manner "' and then failed to take reasonable measures to rectify the situation.'" (Woodley v. Town of Nantucket, 645 F. Supp. 1365 (D. Mass. 1986) citing, Voutour v.Vitale, 1 Cir 1985, 761 F. 2d. 812, 823, cert. denied, 1986

Under the above reasoning the Town of Chelmsford may be liable to Beth Kinney if actual or constructive knowledge of the alleged conduct of Mr. Lynch was deliberately ignored by

town officials.

We then applied the current law to the specific facts asserted by Ms. Kinney against Mr. Lynch. To determine these facts, this office conducted interviews with more than twenty individuals. We conducted interviews with both men and women. We interviewed town employees, elected officials of the Town and appointed personnel of the Town. We also spoke to persons not employed by the Town. We spoke at length with Beth Kinney in the presence of her attorney and with Town Manager Lynch in the presence of his attorney. The interviews with Lynch and with Kinney were under oath and their testimony was recorded by a court stenographer.

We spoke to almost every one, in person, at either our Law Office in Lowell or in the private office of Town Counsel James Harrington in Chelmsford. (Harrington was not present). All personal interviews were conducted by myself and the witness. A few interviews were conducted by telephone by an attorney in our office. Each litigant was afforded the opportunity to supplement the witness list with suggestions of their own. Beth Kinney furnished two names and both persons were contacted and interviewed. Several others were suggested, but none of these were represented to have any personal knowledge of the facts of the litigation. They were " backround witnesses. " We felt it unnecessary to interview these persons.

All were questioned concerning the Town work environment specifically in the Manager's Office and in Town Hall generally. Most were questioned extensively regarding events that they may have seen transpire between Mr. Lynch and Ms. Kinney or between any other male and female employees of

the Town of Chelmsford. Many were asked how they believed town officials would respond to allegations of sexual harassment by a current employee of the Town of Chelmsford against another.

The response to these questions unanimously disclosed not one scintilla of evidence which indicated that there was a hostile work atmosphere in the Town of Chelmsford created by sexual harassment. In addition, of those asked, each forcefully declared that they believed that Town Officials, both appointed and elected, would take appropriate action in dealing with any allegations of sexual misconduct in the Town of Chelmsford workplace. These responses are a tribute to the professional tone set by Town Officials in this area and are a particular testimonial to the integrity of the elected officials of the Town.

It is to be noted that even Beth Kinney stated that she did not observe nor was she aware of any sexual harassment in the Town Hall (other than her case) or for that matter anywhere in the Town. She expressed full confidence that no elected official of the Town of Chelmsford would tolerate or condone sexual harassment.

Assuming that the statements made in response to this investigation represent an accurate depiction of the employment atmosphere in the Manager's office, in Town Hall and in the entire Town of Chelmsford workplace, Beth Kinney , in a suit against the Town, brought under the Civil Rights Act, Section 1983, should encounter great difficulty in proving that a "policy or custom" (of sexual tension or harassment) existed in the Town of Chelmsford and that there was a policy which permitted such conduct to continue unabated.

It is very unlikely, that, based upon the overwhelming evidence presented to this investigator, that Beth Kinney would be successful in her attempt to impose liability upon the Town of Chelmsford and to collect money from the Town of Chelmsford.

While, it must be noted that this investigation has been primarily limited to a determination of the potential liability of the Town of Chelmsford in regard to this matter, we have not been unmindful of the present allegations which have been asserted by Beth Kinney against the Town Manager Mr Lynch. This investigation could not definitively determine the truth of Ms. Kinney's allegations against Mr. Lynch or the truth of Mr. Lynch's denial of these allegations because of the limitations imposed upon such an investigation.

We did not see or observe any interaction between Ms. Kinney and Mr. Lynch. We did not have the opportunity to see either antagonist under the crucible of cross-examination. Ms. Kinney and her counsel have not selected the desired course of arbitration and mediation, a course best suited for this particular case, but she has has chosen to attempt to win by publicity, intimidation and a trial by a jury. Her goal and that of her counsel is to seek money damages.

It is the opinion of this investigator,based on my experience as counsel for women who have in fact been harassed sexually and limited by the restrictions set forth in the preceeding paragraph, that the evidence presented to me by Beth Kinney and her counsel was less than overwhelming. I did not find her evidence and its very weak substantiation to be of such quality that I could recommend any immediate disciplinary action to be taken by the Board of Selectmen against Mr. Lynch

relating to the allegations of sexual harassment asserted by Beth Kinney. I also believe that the Town is well within its rights and that based upon the evidence of the Plaintiff Ms. Kinney, the Town has an obligation to continue to pay the counsel fees incurred by Mr. Lynch for the continuing litigation. I also recommend that the Board take no public action regarding the allegations of Ms. Kinney as to sexual harassment. I further recommend that the Town vigorously defend when it is added to the lawsuit at the expiration of the six month tort claims notice period.

The allegations of Beth Kinney contain comments and gossip of persons who should never have been brought into or near this litigation. Some of these allegations border on the irresponsible.

Further, it is imperative that, in order to avoid similar allegations and any possible future liability,that the Town take further appropriate action to continue to protect its employees from any sexual harassment in the future.

In this context, I make a number of recommendations. First, a policy should be adopted by the Board of Selectmen whereby an employee may lodge a complaint involving any type of discrimination or harassment, with an independent personnel committee. Ideally, such a committee would be answerable only to the Board of Selectmen and would consist of both a man and a woman authorized to initiate a prompt, thorough and serious investigation of any such complaints. All employees should be informed, in writing, that sexual harassment, of any person by a town employee will not, under any circumstances, be tolerated. Furthermore, all employees should be informed, in writing, that sexual harassment includes any conduct that "has

the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile or offensive environment" (EEOC, 1980 Guidelines on sexual harassment.).

Further when a complaint is made against an elected official or against the Town Manager that the matter be reported to a specific two person committee whose jurisdiction is limited only to complaints against the Manager or an elected official.

Second, I also recommend that the Town enact such a policy only after a public hearing, widely advertised and hopefully well-attended.

It is our opinion that the evidence disclosed during our investigation that Town Manager Lynch and Beth Kinney developed a friendly and personal relationship with each other while she was a secretary in his office. The evidence further disclosed that this relationship was nurtured during a period when both were personally vulnerable. The evidence caused this investigator to observe that Beth Kinney may have overreached in her employment expectations with the Town of Chelmsford. She sought special work treatment. The refusal to grant these special work conditions may be the basis of her current lawsuit. I in no way wish to imply that this relationship rose to a level constituting sexual harassment.

In fact every female employee whom I interviewed stated without hesitation that Manager Lynch treated all employees equally. It was stated that the Manager was professional and courteous in all of his contacts with female employees of the Town of Chelmsford. It was also stated by most of those whom I

interviewed that Town Manager Lynch relied heavily upon the female town employees and that he afforded them opportunities for advancement.

However, it was also noted that the Town Manager during a particularly vulnerable period of his life conducted the affairs of the Town and his personal relationships in a manner that invited adverse comment, criticism and even gossip. The citizens of the Town deserve to have its affairs conducted in a professional manner not most of the time but all of the time.

On a personal note, I would like to comment that the public officials, both appointive and elected, former elected officials and the employees whom I interviewed were forthcoming, honest and truthful. I could not have received better cooperation. The employees were extremely professional and helpful in their comments and observations and the Town is fortunate to have them. Attorney James Harrington, Town Counsel, afforded cooperation and confidence.

Respectfully submitted,

Philip S. Nyman
Attorney at Law

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MARY E. ST. HILAIRE
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Regular meeting of the Board of Selectmen held Monday, November 18, 1991. **Members present** were: Mr. Ready, Mr. Logan, Mr. DeFreitas and Mr. Johnson. Mr. Blomgren was out of town on business. Town Manager Bernard Lynch was also present.

During the **Open Session Arthur Blomgren, East Chelmsford resident**, read a statement he had prepared asking the Board to reverse their vote on classificaiton at the November 4 meeting. He feels that 5% classification does not give any breaks to the elderly or those hard hit by the recession, that we have enough debt with sewerage and trash and don't need to help business. He urged the Board to support the 7% classification proposed by his son Selectman Roger Blomgren
Selectman Johnson responded stating that the word abatement is profanity to business because it means vacancy. We need to give incentives to businesses to come into the Town, and said that two new businesses have come into Town in the past two weeks, which means more taxes and employment. He sympathizes with all taxpayers but thinks the Town has to encourage business.
Mr. DeFreitas responded by stating that if we drive all business out of Town our taxes will increase by 33%, and he would still vote to maintain the status quo. Mr. Ready added that no business or industry has ever been offered a tax incentive by the Town.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to go into **Executive Session to discuss pending litigation.** Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Ready-Aye.

The Board returned to Open Meeting at 7:50 p.m. Chairman Ready called the meeting to order.

George Gagan, New England Telephone Company, was present with **pole petitions.**
He presented a joint petition to **relocate a pole on Parker Road** to facilitate the widening of the parking facilty at Chelmsford Children's School. An abutter Peter DesForge, 133 Parker Road, asked where the pole is going and Mr. Gagan said in front of the fence and a second pole will have to be placed further away to maintain the proper clearances.
Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve. Vote was 3 in favor, 1 abstention (Mr. Ready).

Mr. Gagan then told the Board that he has 3 **petitions that do not require a Public Hearing, Private Way Made Public,** because they are newly accepted streets and the work laying buried conduit has already been done. The streets are **Virginia, Sarah and Nashoba Drives.** Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve.

The Board then met with Chairman Bob Kydd and Dan Burke of the Board of Appeals. The discussion centered around the lack of communication between the regulatory Boards and ways to improve it. Mr. Kydd said if he received a Selectman's agenda he would come to a hearing if he had information or questions.
Mr. Ready said that the Board of Appeals, Planning Board, Conservation Commision and Board of Health should do an exchange of agendas so each Board would know what the others are doing.
Mr. Lynch said that he has regular department head meetings scheduled around Selectmen's agendas, and we will get agendas to these other Boards by Friday before a Monday meeting. Mr. Ready suggested that all the regulatory Boards meet a couple of times a year, and Mr. Kydd said that we could also update new rules and regulations. Mr. Lynch suggested such a meeting be held soon so that we could get any proposed by-law changes on the agenda for the Spring Town Meeting.
Mr. DeFreitas suggested assigning each Selectman as liaison to a different regulatory Board and he would be responsible for calling that Board's Chairman the weekend before a Monday BOS meeting. The following assignments were made:
Mr. DeFreitas - Board of Health
Mr. Johnson - Planning Board
Mr. Logan - Board of Appeals
Mr. Blomgren - Conservation Commission.
Chairman Ready will act as overall coordinator.

Mr. Ready then brought up Attorney Philip Nyman's recommendations on a Sexual Harassment policy. He is advising the Board to set up a written policy and to appoint a 2 person Board, one male and one female, for employees to bring any harassment charges to if the charge is brought against any executive officer.
Mr. Ready said he wants to go further and appoint a committee of 9 people, with a majority of them women, to come up with a policy on not only sexual harassment but all women's issues in the workplace and wants the committee to hold open public hearings.
Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to do so.

Finance Director James Doukszewicz was present with 60 notes for the Board to sign.

The Board then met with the Solid Waste Advisory Committee to see where we're going in the next 3 - 5 years.

Mr. Lynch introduced the members of the Committee - Norm Eisenmann, David Turocy, Catherine Brown, new member Allen Beebe and Barbara Scavezze, ex officio. Mr. Ready asked Ms. Scavezze if she needs any votes from the Board tonight and she said no, only a general direction.
Ms. Scavezze went over a handout she had prepared, and asked the Board if they want to get out of the trash business and voluntary advisor Joel Carp reminded them that Town Meeting voted for the Town to stay in the business for the next fiscal year.

Ms. Scavezze said that the SWAC wants to maintain the present service but add one bulk item per week and put on a higher price tag. Mr. Lynch said we want to minimize the risk to the Town and the cost to the residents. Mr. Ready asked if the haulers want this bulk item and Ms. Scavezze said that with only one item per week they can handle it with their regular trucks. Mr. Carp said that we should figure out what the average bulk item will weigh and ask the haulers to build the schedule into their bid.

Ms. Scavezze said the SWAC has discussed a hauler collection flat rate, which means less risks to the Town and the hauler, but little incentive to haulers to stop picking up those who haven't paid.

Mr. DeFreitas suggested a policy: 1. go for a minimal guarantee to the hauler in the contract; 2. minimal administration cost; 3. pay for what you put out - base fee on useage; and 4. give condos the option to participate.

Ms. Scavezze said the Committee is recommending a per household charge. Mr. Carp said the big issue is would we guarantee 80% and Mr. Ready said he thinks we should ask the haulers to come up with a price, with no guarantees. Mr. Carp said he wants the program run like a business, easy to administer and to use.

Mr. Ready said he hears the committee recommending that we say to the bidder give us a price for every home which participates. Mr. Eisenmann asked if the Board wants a flat rate or per household charge and Mr. Ready said the Board wants per household charge. The SWAC wants a guaranteed minimum, to get the costs lower. After discussion Mr. Ready said the consensus of the Board is no minimum. Ms. Scavezze pointed out that the present haulers are asking for a minimum and Mr. DeFreitas said don't ask them what they want. Mr. Lynch warned that the prices won't be as good, that we will have to be careful with the bidding laws and spell things out in the specs.

Placing a limit on the number of items collected per household per week was discussed, with the Committee recommending no more than 5 items because they feel this would help eliminate sharing, but Mr. Ready said the Board doesn't like limiting.

The contract cost increase was discussed. Mr. Ready said he wants a 3 year contract, with a stated cost per year rather than based on the CPI and the Board agreed on a 3 year contract with a fixed price.

The style of billing was discussed, with Mr. DeFreitas asking if the hauler can do his own billing on a quarterly basis. Mr. Ready said that with privatization (hauler billing) the Town is only negotiating, and we should vigorously pursue them doing the

billing. The Finance Director commented that it is no longer illegal to include the trash bills with the tax bill mailing.

Mr. Carp pointed out the advantages of in house billing - that if there is a dispute between the hauler and the customer we can mediate it, and Mr. Ready said if we ask the hauler to do the billing the Town will still act as creditor/monitor. Mr. Carp then said that the Town won't get the interest on the money if we don't do the billing and that this can run between $20K - $40K. Ms.Scavezze said that in the first year BFI would have administered the contract for $70K but we did it for $40K and made interest of app. $22K.

Frequency of billing was the next point discussed and Mr. Ready said the BOS likes quarterly but feels that $12K for postage is out of the question. The preference of Mr. Lynch and SWAC is annual billing and the Finance Director also agrees because this would cut down on the postings.

They discussed subscriber identification - we are not doing it now and it won't be a problem if the hauler does the billing. Ms. Scavezze wants a permanent tag on each house but the BOS wants a computerized route sheet.

Recycling was then discussed. Ms. Scavezze said that plastic adds a lot to the cost. A hauler could put a compactor on his truck for $7,000 per vehicle, which would cut down on the bulk caused by plastics. Mr. Beebe said that Arlington paid a chipper $50.00 per ton for plastic drop-off. Mr. Johnson asked SWAC to look into the cost for taking plastics. Ms. Scavezze said that Westford, Chelmsford and Tyngsboro all want to look into having drop off places. She said we are now looking at collecting recyclables every 4 weeks, with a drop off place for plastics. She asked if the BOS supports going with an affordable program and Mr. Ready said Yes.

Multi-family dwellings (4 units or more) - Ms. Scavezze said if they have curbside trash collection they could do recycling the same way, and if a condo complex, each building would have to pay. It will be an option for condos and multi-family dwellings - for both trash and recycling.

At 9:35 PM motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Monday, December 2, 1991. Members present were: Mr. Ready, Mr. Logan, Mr. DeFreitas, Mr. Johnson and Mr. Blomgren. Bernard Lynch, Town Manager, was also present.

During the Open Session Mrs. Delores Blomgren was present to speak again on the classification vote taken by the Board on November 4th. She expresed concern about the residential taxpayers, stating that the 5% classification rate favors the commercial/industrial taxpayer. Mr. Johnson told her that if the rate was 7% rather than 5 the average homeowner would pay $24.00 per year less.
Mr. DeFreitas said the best way to ease the burden is to have business fill the empty space, that it is not a tax problem but a valuation problem, and we need to ask the businesses to help. Mr. Ready said the value of a business is related to how much empty space they have. Mr. DeFreitas added that to normalize we would have to go to 25 - 30% classification, and at what point do we stop - we now need to show stability. Mrs. Blomgren said she is concerned about the average residential taxpayer and the vacant homes in Town, and Mr. Ready said that the Town has always had a 20% residential turnover. Mrs. Blomgren again asked the Board to reconsider their vote on classification.
John Harrington of the Chelmsford Business Association said that the association is not happy with classification, that they feel they are all over-assessed.

At 7:20 p.m. motion by Mr. Logan, seconded by Mr. DeFreitas, to go into Executive Session to discuss pending litigation. Roll Call vote was as follows: Mr. Logan-Aye; Mr. DeFreitas-Aye; Mr. Johnson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

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The Board returned to Open Session at 7:30 p.m.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the minutes of the November 4, 1991 meeting.

Motion by Mr. Logan,. seconded by Mr. DeFreitas, to approve the minutes of the November 12th Press Conference. Vote was 4 in favor, 1 abstention (RAB since he was not present).

Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve the minutes of the November 18th Regular Session. Vote was 4 in favor, 1 abstention (RAB because he was not present).

Motion by Mr. Logan, seconded by Mr. DeFreitas, to approve the minutes of the November 18th Executive Session as amended and not to be relesed until litigation is completed. Vote was 4 in favor, 1 abstention (RAB because he was not present).

Mrs. Donna Johnson, Chairman of the Holiday Decorating Committee, was present to tell the Board and the public the Committee's plans for Sunday, December 8th. At 4:00 pm Santa will come to the Common, and stores and businesses in the Center will stay open and serve refreshments and give out token gifts. There will be strolling bell ringers and carolers, childrens' songs at 5:15 p.m. and the traditional tree lighting ceremony at 5:30 p.m. Mrs. Johnson said that all are invited and they are hoping for a good turnout. Mr. Johnson asked if they have coordinated the traffic flow with the Police Department and she said yes, that the Auxiliary Police have been wonderful in helping the Committee.

The **Town Meeting Restaurant** is petitioning for a change in corporate name, but they have rescheduled to the next meeting.

Under **Reports, Mr. Ready** said that at the last meeting each member took a major regulatory board to contact prior to our meetings to go over the agenda. He contacted the Chairman of the Conservation Commission and they have no problems with our agenda tonight.

Mr. Ready reported that we have received correspondence from the Westford Legislative Action Committee stating that they are going to look at the State and ask why Local Aid continues to shrink. Her will put the letter in the Signature Folder.

Mr. Ready asked the Town Manager to contact the High School Athletic Dept. to find out what Fall teams we should acknowledge.

Mr. Ready asked for a **Moment of Silence in Memory of Francis "Bud" Conlin**, call firefighter since 1962 and regular firefighter since 1964, who passed away last week.

Mr. Logan reported that sewer tie-ins on Littleton Road appear to have been completed and the Traffic and Safety Committee is concerned about when the road will be resurfaced. He asked the Town Manager to check on this.

At 7:45 p.m. the Board held a **Public Hearing on the application of International Restaurant, One Village Square, for a Wine and Malt Beverages license.** Selectman Logan left the room due to a possible conflict of interest.
Souhil KassHana, owner and manager, said that he needs a license to complement his dinner menu at night, that business is very slow. He said they now have 56 seats and he plans no major changes. Beer and wine will be served only at the table by waitresses. The former licenses have been surrendered for these premises, so he is applying for a new license.
Mr. Johnson asked for his experience in serving liquor and Mr. KassHana said he has none. Mr. Johnson said there are a number of schools on this subject and asked if he would go and Mr.

KassHana said yes. Mr. Johnson said he would approve the license subject to the completion of a course.
John Harrington, owner of a package store, said that there is a course called TIPS, and that completion of it would also save on his liability insurance. He suggested that Mr. KassHana talk to the state restaurant association.
Mr. Blomgren said that when Mr. KassHana obtained his Common Victualer license in October he said he would not be applying for a liquor license. Mr. KassHana said he did not know that that included Beer and Wine and that he didn't expect business to be that slow at night. He said the hours requested are 11 am - 11 pm 6 days a week. He submitted proof of notification to abutters.
Mr. Johnson asked Mr. KassHana to come back in two weeks with proof that he has enrolled in a TIPS course.
No one present spoke in favor of or opposition to this application. The Board will vote on December 16th.

Mr. Logan rejoined the meeting.

The Board then heard **Mr. Logan speak on the progess of his Economic Development Partnership**, which he first presented last May.

He said he was overly optimistic about the future then, that the economy is bleak now and we must look beyond 1991 and be cautiously optimistic.
Mr. Logan said that he has been working on forming the Committee for his Economic Development Partnership, and has spoken to officials in many cities and towns both locally and across the nation.

He restated the goals of the plan, stating that the partnership lets people know what we have and what we can offer as a Town. The GNP is the lowest since the days of Harry Truman. The goals of the partnership are many, and depend on the makeup of the group. Their first meeting will be January 10, 1992, and Mr. Logan will present the names of the 17 committe members prior to this first meeting. He added that ex officio members of the committee will include the Town Manager, State Rep., DPW Director and Chairman of the BOS.

Under **Reports from Board Members, Mr. DeFreitas** said he went over the agenda with Dr. Canniff of the Board of Health, and they have no problems with this meeting.
He also reported that Friends of the Library will be selling T-shirts and sweatshirts on Saturday, December 7 from 9 to 3 at the Carriage House.

Mr. Johnson reported that the traffic lights are now working on Route 110 and said he wants to praise Chairman Ready for his tenacity in having the lights installed. He was the one who has kept the project alive. Mr. Ready thanked him and said there have been an unbelievable number of people involved.

Mr. Blomgren said that he agrees with Mr. Johnson that the work that has been done is very positive. Mr. Ready commented that we have finally fixed the traffic problems and now the traffic is gone.

Under **Town Manager Reports** Mr. Lynch said that the **Adopt-A-Park Program** has completed its second year, that it was the brainchild of Jim Pearson and that the Park Dept. employee has had time to work on the larger fields and do preventive maintenance thanks to the volunteers taking care of the smaller parks. Mr. Ready asked to have them scheduled to attend the next meeting for recognition and asked the Town Manager to look into the President's Thousand Points of Light. Mr. Blomgren asked for a list of "orphan" parks for the next meeting..
Mr. Lynch reported that the **Computer and Technology Committee,** made of up volunteers and Town employees, has had their first meeting and their goal is to develop stratgegy for computerization.
He reported that there will be a meeting at the Library Wednesday morning to recognize their volunteers.

He reported that the **FY93 Budget Manual** has been sent to the departments, asking for level funding proposals. All collective bargaining agreements end this year and level funding provides no salary increases for them.

Mr. Lynch reported that the **Police Department has participated in a grant award program** with 8 other communities - $50,000 from the Department of Justice. Our share will pay the cost of our drug unit. He added that the DPW is ready for the predicted storm tonight and we are hoping for another mild winter.

He reported that the Town is in negotiations with the company who took over the 12 **Altid properties** to work out the payment of back taxes.

Mr. Ready said that the response for serving on the **Sexual Harassment Committee** is going well, and that he is sending a letter to Town Employees asking for a male and a female representative and also a letter to the School Department asking for a representative. He hopes to make the appointments at the next meeting.

There was no report from the Town Accountant.

Under Other Business Mr. Ready said that on liquor license inspections the Board is looking for the proper display of licenses, security of the liquor, any changes to the property, etc. He asked the Board to plan on Saturday, December 14th for the inspection tour.

The Board voted to approve the following licenses that have been issued by the office:
1. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to approve the one-day Auctioneer's license issued to MJR Auctioneers for Saturday, November 30th.
2. Motion by Mr. DeFreitas, seconded by Mr. Logan, to approve the 1-day All Alcoholic license issued to St. John's Church for December 14th. Vote was 4 in favor, 1 abstention (WRL).
3. Motion by Mr. DeFreitas, seconded by Mr. Johnson, to issue a 1-day All Alcoholic license to St. Vartanantz Cultural Center. Vote was 4 in favor, 1 abstention (WRL).
4. Motion by Mr. Logan, seconded by Mr. DeFreitas,unan. to issue a Roadside Vendor's license to Al Liguori to sell Christmas trees on Drum Hill Road.
5. Motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to issue a Roadside Vendor's license to Little League to sell Christmas trees at their Rte. 110 fields.

Under Policies, Mr. Blomgren asked if the Board wants to approve his submitted policy on sexual harassment, and Mr. Ready suggesteed that he submit it to the committee when it is established.
Mr. Blomgren said he is submitting an Open Door policy.
The Town Manager submitted several Personnel Board policies, noting that they will not replace any other policies that have been adopted by the Board.
Mr. DeFreitas asked if we have a policy on endorsing newspapers by Town employees, noting Chief McKeon's endorsement of the Lowell Sun. Mr. Lynch said he has spoken to him and it will not happen again. Mr. Ready said he finds nothing wrong with it, but Mr. DeFreitas said he should do it as a person, not from a Town employee's position. Mr. Johnson said he also finds nothing wrong with the ad.

Mr. Ready asked that under Review of Existing policies alcoholic beverages policy and a check-off sheet be placed on the agenda for the next meeting.

Under Appointments the Town Manager reported that Jeanne Parlee has resigned from the Holiday Decorating Committee and he has appointed Mrs. Carrie Bacon, 4 Driftwood Drive, to replace her as recommended by Donna Johnson, Chairman. Mr. Ready asked the office to send Mrs. Parlee a Certificate of Appreciation.

Mr. Lynch announced that he has appointed Jeffrey Stallard, 146 Tyngsboro Road, to the Historical Commission for a three-year term.

Mr. Lynch reported under Contract Awards that the bid for trash tags has been awarded to the low bidder Picken Printing.

Under **New Business** Mr. Ready said that the Library Trustees have asked the School Committee for the use of the land behind McCarthy School to be used as space for a future library. They should turn the land over to the Town with no caveats if it is not wanted by the schools. Mr. Ready said an article should be submitted for the Town Meeting warrant if they intend to do so. Mr. Ready asked the Town Manager to ask the School Committee look at any empty space they may have - the Parker School, for example.

Mr. DeFreitas asked for a continuation of the **Open Session** and gdave a handout regarding Classification, stating that this is an evaluation problem, not a tax issue. He stated that the difference between 5% and 7% classification amounts to only a $16.00 savings on the average residential tax bill but $131.00 on the average business bill. To really equalize we would have to go to at least 25%. Now is the time for stability, not creeping classification. If the Board reconsidered, his vote would stay the same. The solution to the problem is to fill the vacant spaces, and businesses should be helping Selectman Logan's commtitee fill the vacant space.

Mr. Blomgren said that regarding Classification, he had asked for numbers and came up with the 107%. In the future he feels the Board should get the input on Classification, digest it and then vote at the next meeting. Mr. DeFreitas commented that once we raise the Classification rate we will never get it back down. Mr. Blomgren stated that the intention of his recommending the 107 figure was to try to protect the average homeowner, and in the future he wants to wait to vote and be more informed. Mr. DeFreitas said that he will work with anyone in Town on a professional level to try to find something equitable.

Under **New Business Mr. Blomgren** received a letter from Edward Ganshirt of Lexington, who works on Rte. 129 and has problems getting to work and has suggested that we look at the LRTA routing. Mr. Blomgren suggested that Mr. Logan ask Bob Maguire to join his committee. Motion by Mr. Blomgren, seconded by Mr. DeFreitas, unan. to give the letter to Mr. Logan to have the Traffic and Safety Committee look into Mr. Ganshirt's suggestions and write to Mr. Ganshirt telling him of our actions. Mr. Lynch said he had looked into extending the bus line down Rte. 129.

At 8:50 pm motion by Mr. Logan, seconded by Mr. DeFreitas, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the Board of Selectmen held Monday, January 9, 1989. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Mrs. Jocelyn Ciulla, 40 Billerica Road, was present to ask the Board for information about the future traffic on Billerica Road, and asked if there is money funded for lights at Golden Cove Road. Mr. Ready said there is no money for lights but money for improvements - signage, channeling, etc. He said that we are trying to keep traffic out of the Center, which is why Route 129 gets wider as it approaches Route 3, which will also be widened in the future. The bridge at Rivermeadow is to separate residential and indsutrial areas. Mrs. Ciulla asked about the"Ready Rotary" and making Fletcher Street one way, and Mr. Ready told her that this is not in the works now. When sewering is compelte there will be new signals on Route 110 at Route 3, the Mall, and Fletcher Street.

At 7:15 p.m. Mr. Johnson moved to recess and reconvene for the regular meeting at 7:30 p.m.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the minutes of December 12, 1988 (Regular and Executive Sessions) and December 19, 1988. Miss Towle abstained from voting on December 12, as she was not present.

A representative from New England Telephone Co. was present to
ask approval for 3 pole petitions: 1. to lay 35 feet of buried cable on Turnpike Road, to serve a proposed new building, and the cable will occupy space in a duct. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve. Mr. Blomgren asked if this will involve any road cutting and was told Yes. Mr. Blomgren said that this should be a conditional approval until April 15th, when street openings are permitted. 2. on Sherman Street, to move Pole #180/7 10 feet closer to Adams Street, so the resident at 40 Sherman Street can enlarge his driveway. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve. 3. to lay 100 feet of conduit on Colonial Drive and 30 feet on North Road. There will be no road cutting, and all work will take place in the shoulder of the road. Motion by Mr. Johnson, seconded by Miss Towle, unan.

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Under **Reports**, Mr. Johnson reported that every 2 or 3 years we seem to have problems with the Route 3 Cinema, and he has been receiving complaints re cleanliness, safety, traffic, etc. Motion by Mr. Johnson, seconded by Miss Towle, unan. to send a letter to the manager of the Cinema, asking him to attend the Board's next meeting, and also ask for a report from the Board of Health.

Miss Towle reported tha the Mass.Municipal Convention was the best one yet, and said that Ex. Sec. Lynch did an excellent job speaking on the Affordable Housing Panel.

Mr. Blomgren reported that he wants to remind members of the review of the transfer station on Wednesday night, and that reps from SEA, LEA and Weston & Sampson will be present to answer questions. He asked the Lowell Sun and Cable 43 to publicize this as an Open Forum hosted by the Board of Selectmen at the Parker School on Wed., Jan. 11 at 7:30 p.m.

The **Ex. Sec. reported** that he met with the Police Chief and Bldg. Insp. re the unregistered car by-law passed at the Special Town Meeting last fall, and approved by the Attorney General. Mr. Ready reported that there is an abandoned car with the trunk open on Billerica Road. Mr. Lynch said he has asked the Police Dept. to shut the trunk and they are trying to find the owner of the vehicle. M. Emerson said that we need to research the by-law to find out where abandoned cars can be trashed. Mr.Lynch said that the DEQE no longer allows the shredding of cars.

At 7:40 pm the Board met with Brian Shannon, owner of **QuikMart** at 7 **Acton Road**, for the **transfer** of the **Gaoline Storage License.** Mr. Johnson said that he has an illegal sign on the building and Mr. Shannon said he will take that down. His hours are now 6 am - 10pm Monday through Thursday, and 6 am - 11 pm Friday through Sunday. Mr. Emerson asked if all the signage is proper, and Mr. Lynch said we have not asked the Sign Advisory Committee. Mr. Ready asked Mr. Shannon if he has obtained a Common Victualer's license to sell coffee, and he said No. Mr. Ready said he wants this matter tabled until Mr. Shannon applies for his Common Victualer license. Motion by Mr. Johnson to table and advise the appropriate regulatory boards and schedule a Public Hearing for the Common Vicualer license, seconded by Miss Towle, unan.

At 7;45 p.m. the Board held a Public Hearing on the application of Integrity Foods Inc. for the transfer of the All Alcoholic C ommon Victualer's License at Skip's Restaurant,Chelmsford Street. Attorney Joseph B. Shanahan, Jr. stated that he is representing Integrity Foods, Inc. They want to purchase Skip's and are requesting: 1. transfer of the All Alcohlic Common Victualer's License; 2. pledge back of he license to Skip's, Inc.; and 3. transfer of the Weekday and Sunday Entetainment Licenses. He said that all abutters have been notified. His clients have entered into a Purchase and Sales agreement to purchase Skip's and lease the bulding and the land. There will be no dramatic change from the past 41 years. He explained the partnership and gave the backgrounds of the individuals involved, noting that Peter Carbonaro, who will be Manager, has had experience working at Skip's and at the Ground Round. Mr. Shanahan said that he is requesting a waiver of the Board's policy to hold its vote on a liquor license for 2 weeks, since he needs to know on the P and S Agreement by Jan. 31, and he needs to give the ABCC 3 weks to approve it. Mr. Ready said he had heard a rumor that Skip's would be turned into a Burger King, and Mr. Shanahan said No, that it will stay a full service restaurant,with some cosmetic changes. Miss Towle said she would like to do away with the policy of holding on all liquor licenses for 2 weeks. Mr. Emerson asked about the hours of operation, and Mr. Shanahan said they are currently licensed for 8 am - 2 am. Mr. Emerson asked if they would amend the hours to close at 1 am, and Mr. Shanahan said he doesn't think the Board can change the hours of operation without a Public Hearing. Right now they are serving from 6 am to 10 or 11 pm, but want the option to remain open until 2 am in the future. No one present spoke in favor of or opposition to this transfer of license. Mr. Ready asked the Board if they want to vote tonight. Motion by Mr. Johnson, seconded by Miss Towle, unan. to vote tonight. Motion by Mr. Johnson, seconded by Miss Towle, unan. to grant the transfer of the license and approve the pledge of the license as collateral.

The Board then met with **Alberton W. Vinal Post 313, American Legion**, to discuss a **Change in Manager**. Jack Doole spoke with the Board, stating that he is the Accountant for the Post and a member of the Executive Board, and is authorized to speak for the Legion. They want to hire Richard J. Boucher as Manager, replacing John Scarmeas. Mr. Ready said he would suggest that the Board go into **Executive Session**. Motion by Mr. Johnson,

seconded by Miss Towle, to adjourn to Execuitve Session to discuss the repuation, character, physical condition or mental health rather than the professional competence of a particular individual. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye.

At 8:20 pm the Board returned to **Open Meeting** Mr. Doole told the Board that the Legion wants to change the name of the Manager on their liquorlicense from John Scarmeas to Richard J. Boucher. Mr. Scarmeas is retiring after 12 years as Manager. The operation of the club will remain the same, and the hours of operation are Monday through Thursday from 10 am to midnight, and Friday and Saturday from 10 am to 2 am. Mr. Blomgren asked if there would be any hardship if they cut back their closing to 1 am, and Mr. Doole said they wouldn't want to be singled out. No one present spoke in favor of or opposition to this change. Motion by Mr. Blomgren, seconded by Mr. Johnson, unan. to take no action until the Jan. 23rd meeting when the file is complete. Attorney Peter Dulchinos was present to discuss the **transfer of the Class II Auto Dealer's License at 11 - 13 Progress Ave.** from Richard Melino to Alan Buttrick. The license is restricted to 16 vehicles. Robert Pereira is buying the property from Mr. Melino, and Mr. Buttrick who has over 25 years in the business, will be leasing from Mr. Pereira. He also made a request to **transfer** ownership of the **Underground Storage License** from Mr. Melino to Mr. Pereira, stating that fuel from the tanks will be used only for Mr. Buttrick's customers. Mr. Blomgren asked if 16 Mass. Bituminous trucks be stored there, and Mr. Dulchinos said he doesn't think so. Mr. Blomgren said that the 16 vehicles should be identified as automobiles. Motion by Mr. Johnson, seconded by Miss Towle, to approve the transfer of the Class II Aoto Deler's license with the restriction of 16 cars (cars, personal vehicles, pick-up trucks, vans). Vote was unan. in favor. Mr. Johnson recommended putting the transfer of the underground on the agenda for Jan. 23, and find out the exact use of the tanks. Mr. Melino said he is passing papers tomorrow, and that the tanks were tested with diesel fuel because they thought a towing company would be buying the property. He is the second buyer of the property, and said he should have tested with gasoline. No one present spoke in favor of or opposition to this transfer. It was agreed that the underground license will be restricted to fuel for repaired vehicles only. Mr. Blomgren then asked for a Personal Hold until the Jan. 23 meeting.

At 8:45 the Board met with the Library Trustees to discuss the use of the Center School property. Chairman Lorraine Lambert told the Board that they are here to state the need for a new library, that there is no handicapped access at the Adams Library, and that the Center School is the only Town-owned site that would be usable. The Trustees are asking the Board to save them 5 usable acres. Ssuan Cantin then spoke to the Board, saying there is still a need for a library, and this appears to be the only plot of land that might be usable. They don't want to ask for it tonight, but just want the Board to keep it in mind for future use, and keep 5 acres reserved for the library. Mr. Ready said the Board will take it under consideration.

Mr. Lynch reported that we have received a letter from our health insurance consultant ICC, and that we will need a transfer of $400,000 from Free Cash to the insurance trust fund, and that this could possibly be done at a Special Town Meeting within the Annual. ICC is still monitoring claims and following up on hospital bills, and he added that it is hard to recognize any savings under Chapter 32B. Mr. Blomgren asked Mr. Lynch for a report on all actions we're taking, and any new ideas he may have, and asked him to bring in some recommendations. Mr. Lynch said that the County Retirement will also increase, and he will report more on Jan. 23.

On the matter of Civilian Dispatchers for the Police Dept., Mr. Lynch reported that he had met with the Personnel Board tonight, and the positions will be advertised tomorrow.

Under **Unfinished Business** Mr. Johnson said he is going to run for re-elction to the the Board of Selectmen, that he sees a challenge ahead and wants to be part if the problem solving team.

Mr. Blomgren said that on the subject of "white goods" we should do whatever we can to educate the public on the disposal of these old appliances. Mr. Emerson commented that this has shown the need for trash pick-up.

Mr. Ready then read a statement announcing that he is running for his fourth term on the Board of Selectmen.

Under **New Business** Mr. Emerson said that the issue of building a bandstand keeps re-surfacing. Bruce Foucar has presented the idea of building it at the corner of Wilson Street and Chelmsford Street and had a drawing made to show what it could look like. Mr. Emerson suggested that we appoint a committe to study the concept and get back to the Board. He said that a bandstand could be incorporated ito the Veterans' Memorial Park, and that the Recreation Commission would lose a softball field if the bandstand were built in this location. He suggested a committee of 5 interested people and 2 - 4 more from the Community, and moved, seconded by Miss Towle, unan. to create a Bandstand Committee, with Bruce Foucar, Charles Parlee, Jean Kydd, John P. Emerson, Jr. and Robert Hughes as members, and Mr. Emerson as liaison.

Mr. Blomgren asked that the Citizens for a Cleaner Chelmsford Committee be asked to attend a meeting in the near future. He asked the Ex. Sec. to make sure that all departments know the policy for tying into Town drainage, and that all know the procedure for street openings

At 9:25 p.m. motion by Mr. Johnson, seconded by Miss Towle, to **adjourn to Executive Session** for the purpose of discussing strategy with respect to collective bargaining. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye;Mr. Emerson-Aye; Mr. Blomgren-Aye and Mr. Ready-Aye. Chairman Ready announced that the Board would not be returning to open session.

For the Board of Selectmen, by

Judie E. Carter

Town Clerk

Regular Meeting of the Board of Selectmen held Monday, January 23, 1989. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle was away on business. Bernard Lynch, Executive Secretary, was also present.

During the Open Session Rene LaRouche spoke to the Board about the recurring beaver problem on Dunshire Drive. Mr. LaRouche had sent a letter to each Board member describing what has happened recently, with the return of beavers. Mr. Ready told him that he had met with the Conservation Commission last week and they discussed the problem. Chairman McBride had asked Mr. Ready to obtain permission from the Board of Selectmen to destroy the beavers. Mr. McBride is working with the appropriate state agencies. Mr. LaRouche said there is a 300 foot tree on Marguerite Road that is ready to fall, and that at 17 and 19 Dunshire Drive there are already trees across the brook. Mr. Johnson recommended asking the Highway Department to remove them, but Mr. Ready said we need the owners' permission to do this. Mr. Emerson told Mr. LaRouche that he has been up there, and the neighbors are not as concerned as he is. He added that the Board is aware of the problem and doing what they can. Mr. LaRouche concluded by expressing concerns about real estate values.

Thomas Welch, 56 Crooked Spring Road, said he wanted to update the Baord on the Lamplighter Green affordable housing proposal. They were rejected by the Board of Appeals and have appealed to the State Housing Appeals Commission. They are next meeting Wednesday at 10:00 am, and this is probably their last meeting. The developer has requested funding from EOCD. The cut-off date was December 6 and the decision is ongoing. The MHPA has received a draft Environmental Impact Report. Mr. Welch encouraged the Board to request the Executive Secretary to write to MHFA, EOCD, MEPA and Kate Race's office to restate the Board's feelings on the project. He feels if the Board doesn't respond it could be construed as an endorsement of the proposal. The Town spent a lot of time and money to protect these wells. He added that most appeals have been upheld.

Cy Locke, 151 Park Road, Chairman of the Cable TV Committee, said that Cable 43 is having a Theater Party at the Liberty Theater in Lowell on Februay 12th, for the benefit of Channel 43. We need other areas of gaming revenues, like the golf tournament held last year. Mr. Emerson said that Rotary plans to hopefully sell 100 tickets. He said that tickets are available at the Center Travel Agency or through CATV members. He added that Gloria Huber is the chairman of all these events.

Samuel Poulten, Lamplighter Green devloper, said that the Board has all the pertinent materials - the EIR, application and

TOWN OF CHELMSFORD
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TOWN CLERK
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appeal. He said the Town will present more evidence Wednesday. The EIR was generated at the request of the Town and concerned citizens, and that at first MEPA said they didn't need the EIR. They have applied for the second round of funding and still want to be a partner with the Town, and he added the developers have also spent time and money.

At 7:30pm Chairman Ready called the meeting to order.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the minutes of January 9 (Regular and Executive), September 12 and September 19 (Regular and Executive).

Under Reports, motion by Mr. Johnson, seconded by Mr. Emerson, unan. to to contact the Conservation Commission on the beaver situation and request them to remove/dispose of the beavers by whatever legal means necessary, except for steel trapping.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to authorize Mr. Lynch to contact anyone whose trees have been damaged to see what they want done with the trees, if anything.

At 7:35 p.m. a Public Hearing was held on the application of Quik Mart, 7 Acton Road, for a Common Victualer's license. Brian Shannon, owner and manager, said that he also wants to apply again for a transfer of the underground storage license. The Ex. Sec. reported that the Sign Advisory Committee said that Quik Mart has been a chronic violator of the sign by-law, with the A-frame and the 2 eyes sign; the Police Dept. reported no problems, and the Building Inspector reported that they had 2 sign violations. Mr. Shannon said that he didn't know that the gas signs were illegal, that other stations still have them, but he will remove the sign from the pole and stay in compliance with the sign by-law. No one present spoke in favor of or opposition to this license or transfer. Mr. Emerson asked when gasoline storage licenses are up for renewal, and Mr. Lynch said in January, through the Town Clerk's office. Mr. Emerson said he would like to check again before the license is renewed.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the transfer of the gasoline storage license at 7 Acton Road to Quik Mart, Inc.
Mr. Shannon told the Board that he sells coffee, hot dogs and other microwaveable goods, and that is why he is applying for a Common Victualer's license. No one present spoke in favor of or opposition to this license. Motion by Mr.Johnson, seconded by Mr. Emerson, unan. to approve granting a Common Victualer's liense to Quik Mart, Inc.

Michael Palermo, Manager of Route 3 Cinema, was present at the Board's request to discuss conditons at the theater. Mr.Johnson

said it had been brought to his attention that the theater wasn't in the best condition, but that the Board of Health gave a good report on its recent inspection. Mr. Palermo said that each theater is cleaned every morning, including lobby and restrooms, and that the parking lot is picked up. When they are too busy they cannot clean between the evening shows. The screens are cleaned once a month. Mr. Johnson asked him to please take extra care that this is done. Mr. Emerson complimented Mr. Palermo on the selection of films that he has been offering lately. Mr. Blomgren commented that traffic is still a problem and asked Mr. Palermo to pay more attention to it. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to send a letter to Mr. Palermo thanking him for coming in, and summarizing the points made tonight.

The Board then met with Walter Hedlund and the **Town Celebrations Committee**. Mr.Hedlund said that they are busy planning the Fourth of July Celebration, and it will be the usual set up - booths on the Common, band concert, parade and drum and bugle corp. John Warren of the Elks is parade chairman. The drum and bugle corps competition is being sponsored by American Legion Post 212 and the Chelmsford High School band.
Mr. Hedlund said the Committee is concerned with sewer construction around the 4th, and is meeting with the Sewer Commission. They are also concerned about rubbish pick-up, and Mr. Emerson said they did an excellent job last year, how did they do it? Mr. Hedlund said the Committee hired 2 young fellows to clean the Common area, that the Committee had no money and had to go to the FinCom for a transfer. He said they would like to do the same thing this year, but that the problem is getting rid of the trash. Mr. Johnson asked how will they fund the parade, and Mr. Hedlund said the Elks will fund it. John Warren said he will know by the first of April how much money will be available. Mr. Emerson said he wants to prohibit vendors from selling guns that shoot plastic liquid. It was noted that all these vendors are licensed by the state, and the Board asked the Ex. Sec. to look into whether vendors should also obtain Roadside Vendor's licenses for one day.
Mr. Ready asked Mr. Warren to thank the Elks for taking over the parade. It was noted that some drum and bugle corps will also be marching in the parade. Mr. Warren said he is going to ask floats and bands to arrive at McCarthy an hour earlier than in the past becuase we need to control traffic in front of the school.
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Mr. Ready thanked the Commission for the Board, saying he neer expected them to make the timetable for April, and is very pleased that they did.

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Mr. Johnson said that Attorney Dennis McHugh, who is also the Town Moderator, has requested that the Board designate him as a Special Municipal Employee so he can represent clients before Town boards so as to have no onflict of interest with his position as Moderator.

Mr. Johnson asked if the Board wants to take a position on Lamplighter Green and have Telamos in to update the Board with any changes. Mr. Ready suggested that we refer it back to the Affordable Housing Review Committee to get an update on the contingencies. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to send the same letters sent before with new dates and any updated information to MHRA, MHP and EOCD. Mr. Lynch said that the EIR was compiled by NMAC and is being reviewed by the Board of Appeals and their attorney. Mr. Blomgren asked the Ex. Sec. and the Aff. Housing Rev. Comm. to review the EIR and get back to the Board at the Feb. 6 meeting. Mr. Lynch said that the key issue is the effect of the septage holding tank on the wells. There are 2 issues involved: the Comprehensive Permit, with the Board of Appeals and Atty. Tom Arnold representing the Town, and funding - the State will be deciding on the second round of funding in March. The Board discussed whether or not Mr.Lynch should attend the meeting on Jan. 25. Mr. Lynch said that he has a full schedule that day, we have counsel representing us, and he would rely on Dan Burke and Tom Arnold. He added that he has already testified, and is not on the agenda to testify again. Motion by Mr. Johnson, seconded by Mr. Blomgren, to request Mr. Lynch to attend the meeting. Vote was 2 in favor (Johnson and Blomgren) and 2 opposed (Emerson and Ready). Mr. Emerson said he feels the Town will be well represented and that Mr. Lynch should decide whether he should attend the meeting.

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Mr. Blomgren referred to a memo from the Town Clerk re dog icenses, due to the lack of a part-time Dog Officer. Mr. Lynch said he has asked the Police Dept. to put this position back in their budget.

Mr. Blomgren asked all Board members to attend meetings of the Trash Advisory Committee.

At 9:00 pm motion by Mr. Johnson, seconded by Mr. Emerson, to adjourn to Executive Session to discuss the purchase, lease or exchange of real property. Roll Call vote was as follows: Mr. Johnson-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready said that the Board will not be returning to open session.

For the Board of Selectmen, by

Judith E. Carter

town Clerk

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SUDBURY, MASS.

Regular Meeting of the Board of Selectmen held Monday, January 23, 1989. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle was away on business. Bernard Lynch, Executive Secretary, was also present.

During the Open Session Rene LaRouche spoke to the Board about the recurring beaver problem on Dunshire Drive. Mr. LaRouche had sent a letter to each Board member describing what has happened recently, with the return of beavers. Mr. Ready told him that he had met with the Conservation Commission last week and they discussed the problem. Chairman McBride had asked Mr. Ready to obtain permission from the Board of Selectmen to destroy the beavers. Mr. McBride is working with the appropriate state agencies. Mr. LaRouche said there is a 300 foot tree on Marguerite Road that is ready to fall, and that at 17 and 19 Dunshire Drive there are already trees across the brook. Mr. Johnson recommended asking the Highway Department to remove them, but Mr. Ready said we need the owners' permission to do this. Mr. Emerson told Mr. LaRouche that he has been up there, and the neighbors are not as concerned as he is. He added that the Board is aware of the problem and doing what they can. Mr. LaRouche concluded by expressing concerns about real estate values.

Thomas Welch, 56 Crooked Spring Road, said he wanted to update the Baord on the Lamplighter Green affordable housing proposal. They were rejected by the Board of Appeals and have appealed to the State Housing Appeals Commission. They are next meeting Wednesday at 10:00 am, and this is probably their last meeting. The developer has requested funding from EOCD. The cut-off date was December 6 and the decision is ongoing. The MHPA has received a draft Environmental Impact Report. Mr. Welch encouraged the Board to request the Executive Secretary to write to MHFA, EOCD, MEPA and Kate Race's office to restate the Board's feelings on the project. He feels if the Board doesn't respond it could be construed as an endorsement of the proposal. The Town spent a lot of time and money to protect these wells. He added that most appeals have been upheld.

Cy Locke, 151 Park Road, Chairman of the Cable TV Committee, said that Cable 43 is having a Theater Party at the Liberty Theater in Lowell on Februay 12th, for the benefit of Channel 43. We need other areas of gaming revenues, like the golf tournament held last year. Mr. Emerson said that Rotary plans to hopefully sell 100 tickets. He said that tickets are available at the Center Travel Agency or through CATV members. He added that Gloria Huber is the chairman of all these events.

Samuel Poulten, Lamplighter Green devloper, said that the Board has all the pertinent materials - the EIR, application and

appeal. He said the Town will present more evidence Wednesday. The EIR was generated at the request of the Town and concerned citizens, and that at first MEPA said they didn't need the EIR. They have applied for the second round of funding and still want to be a partner with the Town, and he added the developers have also spent time and money.

At 7:30pm Chairman Ready called the meeting to order.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the minutes of January 9 (Regular and Executive), September 12 and September 19 (Regular and Executive).

Under Reports, motion by Mr. Johnson, seconded by Mr. Emerson, unan. to to contact the Conservation Commission on the beaver situation and request them to remove/dispose of the beavers by whatever legal means necessary, except for steel trapping.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to authorize Mr. Lynch to contact anyone whose trees have been damaged to see what they want done with the trees, if anything.

At 7:35 p.m. a Public Hearing was held on the application of Quik Mart, 7 Acton Road, for a Common Victualer's license. Brian Shannon, owner and manager, said that he also wants to apply again for a transfer of the underground storage license. The Ex. Sec. reported that the Sign Advisory Committee said that Quik Mart has been a chronic violator of the sign by-law, with the A-frame and the 2 eyes sign; the Police Dept. reported no problems, and the Building Inspector reported that they had 2 sign violations. Mr. Shannon said that he didn't know that the gas signs were illegal, that other stations still have them, but he will remove the sign from the pole and stay in compliance with the sign by-law. No one present spoke in favor of or opposition to this license or transfer. Mr. Emerson asked when gasoline storage licenses are up for renewal, and Mr. Lynch said in January, through the Town Clerk's office. Mr. Emerson said he would like to check again before the license is renewed.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the transfer of the gasoline storage license at 7 Acton Road to Quik Mart, Inc.
Mr. Shannon told the Board that he sells coffee, hot dogs and other microwaveable goods, and that is why he is applying for a Common Victualer's license. No one present spoke in favor of or opposition to this license. Motion by Mr.Johnson, seconded by Mr. Emerson, unan. to approve granting a Common Victualer's liense to Quik Mart, Inc.

Michael Palermo, Manager of Route 3 Cinema, was present at the Board's request to discuss conditons at the theater. Mr.Johnson

said it had been brought to his attention that the theater wasn't in the best condition, but that the Board of Health gave a good report on its recent inspection. Mr. Palermo said that each theater is cleaned every morning, including lobby and restrooms, and that the parking lot is picked up. When they are too busy they cannot clean between the evening shows. The screens are cleaned once a month. Mr. Johnson asked him to please take extra care that this is done. Mr. Emerson complimented Mr. Palermo on the selection of films that he has been offering lately. Mr. Blomgren commented that traffic is still a problem and asked Mr. Palermo to pay more attention to it. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to send a letter to Mr. Palermo thanking him for coming in, and summarizing the points made tonight.

The Board then met with Walter Hedlund and the Town Celebrations Committee. Mr.Hedlund said that they are busy planning the Fourth of July Celebration, and it will be the usual set up - booths on the Common, band concert, parade and drum and bugle corp. John Warren of the Elks is parade chairman. The drum and bugle corps competition is being sponsored by American Legion Post 212 and the Chelmsford High School band.
Mr. Hedlund said the Committee is concerned with sewer construction around the 4th, and is meeting with the Sewer Commission. They are also concerned about rubbish pick-up, and Mr. Emerson said they did an excellent job last year, how did they do it? Mr. Hedlund said the Committee hired 2 young fellows to clean the Common area, that the Committee had no money and had to go to the FinCom for a transfer. He said they would like to do the same thing this year, but that the problem is getting rid of the trash. Mr. Johnson asked how will they fund the parade, and Mr. Hedlund said the Elks will fund it. John Warren said he will know by the first of April how much money will be available.
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For the Board of Selectmen, by

Judith E. Carter

Regular Meeting of the Board of Selectmen held Monday, February 6, 1989. Members present were: Mr. Ready, Mr. Johnson, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness in her family. Bernard Lynch, Executive Secretary, was also present.

Chairman Ready called the meeting to order at 7:30 p.m.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the minutes of the meeting of January 23, 1989, Regular and Executive Sessions.

Members of the Sewer Commission were present, and Chairman John P. Emerson, Jr. thanked the Board of Selectmen for having them in. Mr. Emerson presented a clock to Mrs. Jean Organ, a former Commissioner, and thanked her for her 10 years of service to the Commission as both the Clerk and then as an elected member. Mr. Ready then presented Mrs. Organ with a Certificate of Appreciation on behalf of the Board of Selectmen.

Mr. Emerson then addressed the Board saying that the Sewer Commission is asking permission to place a question on the April ballot to exempt sewer bonds to complete Phases 2 and 3 of the Town sewering project. He made a presentation which showed the impact of Phases 2 and 3 on the tax rate. He said that they will be on line with North Chelmsford in the Spring, and the Center Industrial District by August, or November at the latest. $60,446,000 is the total cost of completing, with $21,000,000 of this coming from State and Federal funds, and $39,000,000 is the total local share. The highest year will be 1998, when there will be an impact of $2.28 per thousand on the tax rate. The average increase on the tax rate over the next 20 years will be $1.27 per thousand. They have been assured by the State that the current programs will be in effect for the next 4 years, although the federal funding will be changed somewhat. Phases 2 and 3 will bring sewering to 3500+ homes, and the betterments for a single home will range from $1300 - $1900. Mr. Ready asked if this would be final, and Mr. Emerson said that we have the capacity to sewer the entire Town. The areas now shown on the map are those that the EPA feels are adequate for septic systems. We can start dumping septage from septic tanks at Duck Island next year, which will keep the cost of pumping to a minimum. Mr. Bradford Emerson said that people in most of the Town wonder if they will ever see sewerage. Mr. John Emerson said that these areas are not eligible for EPA or State grants, but the system is designed to include them. A developer is putting in a $2.6 million line on Littleton Road. Mr. Blomgren said that there are wells in North Chemsford and why wouldn't the EPA support sewering, and Mr. Emerson answered that the wells are not in a polluted area, and they are protected by sewering that has already

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been done. Fran Yanaskewicz, Weston & Sampson, said that the size of lots in an area are significant in determining the need for sewering, since nitrate contaminations are less and less as lots get bigger. Mr. Blomgren asked if people on Littleton Road could tie into the private sewer line. Mr. Emerson said Yes, at the same cost the Town would charge, and added that if the sewer line goes out Route 40 to Stonehenge, people along Route 40 could tie in. To change any pipe size we have to go back to the State. The Town of Westford would have to tie in through Rte. 40, which is the only connection to our system, and not through Littleton Road. Mr. Blomgren suggested that we send a letter to the Westford BOS stating that Chelmsford has some concerns about their tying in to our system. Mr. Emerson said that the Commissioners have met with Westford on the sewer matter and that they will be having more negotiations with Westford and Tyngsboro. Mr. B. Emerson said that during the meeting with the Westford Board of Selectmen they showed interest in tying into our system on Route 110.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to place the exemption question on the ballot.

Mr. Emerson then read the proposed article for the Annual Town Meeting warrant. He explained that the user fee charge will be app. $84 - $90 per year, and will drop the more people tie in.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to put the Sewer Commission article on the warrant.
Mr. Yanaskewicz told the Board that the federal program is turning from grants to low income loans, and that the State will probably
continue grant progams. Mr. Emerson said that members of the Sewer Commission will be glad to address any church or civic organizations and try to give people more information on the ballot question and article. Mr. Blomgren asked if the Town will use more water in sewering, and Mr. Emerson told him No, it will be the same amount being used now.

At 8:20 p.m. the Board met with David Ravenesi, **New England Telephone Company**. He said that he had met with Mr.Lynch last week for an update on the **911 system**, and also dsicussed the E-911 system. Mr. Ravenesi introduced Patricia Harty, who is now handling the 911 system for Chelmsford. Ms. Harty said that the project is now going full force and still hopes to have it in place by the end of March. She has a committee of 15 people now and plans to add 5 more. They have had problems with the number of exchanges in Town. The committee is meeting on February 13 and she will call Mr. Lynch after that to give him a definite date. Mr. Ready asked who notifies the public of this change in emergency numbers, and Mr. Ravenesi said the telephone company will do so. Mr. Ready asked if there would be any problem moving the dispatcher from the police to the fire station, and was told No. Mr. Emerson asked if there would still be direct lines to

Police and Fire Departments, and was told Yes. Ms. Harty said that there are 3 trunks from North Chelmsford, and 3 from the Center Section. Mr. Blomgren asked if they have any type of dispatcher training. Mr. Ravenesi said that the company will show them at first, but after the first group it will be contingent upon the Town to provide training. Mr. Blomgren asked i we will still have call monitoring, and Ms. Harty said she will find out and get back to Mr. Lynch. She will also check on training manuals and videos.
Motion by Mr. Johnson, seconded by Mr. Emerson, that the BOS write to their legislators that we endorse Bill S431, sponsored by Senator Norton. Mr. Ravenesi gave a brief update on the provisions of the bill, including E-911, 411 and handicapped provisions. Mr. Blomgren asked that we put Mr. Johnson's motion on Hold until we can get more information re opposition to the bill. Mr. Johnson then moved to place the matter on Hold subject to the fact that the Board vote on it at the Feb. 13 meeting, seconded by Mr. Blomgren, unan. Mr. Blomgren asked about the cost to the Town, and Ms. Harty said app. $2500 per year. Ms. Harty will be asked to attend the March 13 BOS meeting.

Traffic and Safety Committee Chairman Bill Logan was present to discuss Eriksen's Corner with the Board. He referenced a letter from the Traffic and Safety Committee recommending a 3-way Stop sign at Eriksen's Corner, and said that the Traffic and Safety Committee met on January 18, and want to discuss matters in the Center. 1. they want to amend the 3-way Stop to a 4-way Stop at Eriksen's Corner, which was recommended by George Burnham, NAMC Traffic Engineer, and to try it for a 30 - 60 day trial period after the signs are up. 2. the crosswalk in front of First Bank - based on recommendations from owners and tenants in the Center they want to have the sidewalk moved 25 - 30 feet to run from Afternoon Delight to Center Florist and eliminate parking 100 feet before the crosswalk. This will add an additional legal parking spot - now if there is an accident in the Center, the Town is responsible and could be sued because of illegal parking. Mr. Ready said that there will be 2 crosswalks - one from Afternoon Delight to the Center Florist and one from First Bank to Jack's Diner. They want a standardized crosswalk (not green), and want the Board's support for the 4-way Stop and moving the crosswalks and turning the light to shine on the new corsswalk. Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to endorse these concepts. Mr. Logan said tha Traffic and Safety Committee will come back at the end of 60 days to talk about permanent signs. Mr. Blomgren asked him to please have a presentation and briefing before he comes in again.

Under Reports, Mr. Johnson reported that the Senior Center Groundbreaking will be held on February 14 at 11 am at the Groton Road side, with a potluck luncheon to follow at the Old Town

Hall, and the public is invited.

Mr. Ready said he wants to apologize to the Housing Authority for not being present at the Housing groundbreaking - that he got his dates mixed up.

Mr. Blomgren referenced the letter that Tom Welch wrote on the Lamplighter Green EIR, stating that it was an excellent piece of work, addressing both environmental and safety issues. Mr. Lynch said that he has sent a draft EIR to all departments and boards concerned and asked for comments by February 10. Special Counsel Tom Arnold has already responded and sent a letter to MHPA. Mr. Blomgren asked that we send a letter to Mr. Welch commending him for an excellent job.
Mr. Blomgren also asked that letters be sent to the Town Accountant and Treasurer thanking them for a very fine year, as stated in the Auditor's report.

Mr. Lynch reported that trash bids were opened last week and the Board is to meet with the Trash Advisory Committee Wednesday night to go over them.
He reported that the Town had a site visit from Moody's Investment Co. They renewed the Town's rate at the A-1 level and we got a rate of 6.84% on $8 million bonds. We need their credit report to see what we need to get the rating up. Mr. Ready commented that we're doing well for a Massachusetts community.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to appoint John Ketcham to the Board of Registrars.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to grant a 1-day Auctioneer's license to R. P. Durkin & Co.

Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to approve the Voter Registration hours as requested by the Town Clerk.

Mr. Johnson told the Board that Friends of the Senior Center need a Clerk of the Works on building the new Center.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to create this position and ask the Ex. Sec. to advertise for applicants The person will report to the Ex. Sec., and there is money from the article to pay a person $15,000 - $20,000 for 6 or 7 months.

Motion by Mr. Blomgren, seconded by Mr. Emerson, unan. to ask the Ex. Sec. to draft a policy regarding corporate donations, and Mr. Ready suggested that maybe we should also draft a by-law. The Ex. Sec. will request sample by-laws from other communities.

At 9:25 pm motion by Mr. Johnson, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

Regular Meeting of the Board of Selectmen held Monday, February 13, 1989. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgen. Bernard Lynch, Executive Secretary, was also present.

Chairman Ready called the meeting to order at 6:40p.m.

Under Scheduled Business, a proposed Special Town Meeting was discussed. Mr. Lynch said that the purpose of calling the meeting is to appropriate additional monies for the health insurance trust fund. $1.3 million was appropriated last year but the costs have come in higher. The premiums are up by 25% and we need a Special Town Meeting by April 1 to pay the April premiums. Other articles that could be included are that since the Cranbery Bog legislation passed we could approve that and try to obtain some of our state money. Mr. Ready said that we could ask the School Committe to turn over the Center School to the Board. Mr. Lynch said we could also pull some articles from the regular Annual Town Meeting warrant - Recreation Commission and Capital Planning, etc.
Motion by Mr. Johnson, seconded by Miss Towle, to ask Mr.Lynch to put together a list of articles to be reviewed at the Feb. 27 meeting. He said the proposed date of the meeting is March 27th. Mr. Blomgren suggested asking the vendors if we can pay a month late - tell them that we have Town Meeting starting the end of April - or ask if we could make a partial payment.
Motion by Mr. Johnson, seconded by Mr. Emerson, unan. to vote to hold a Special Town Meeting on March 27 subject to a favorable review of the Ex. Sec.'s recommendations on the articles.

There were no reports from Board members or the Ex. Sec.

Under Unfinished Business E-911 legislation was discussed, tabled from last week. Mr. Blomgren said he has obtained a copy of bill S-431. He has checked New England Telephone's fact sheet, and they don't show the consequences of supporting the legislation and don't say that there is a $100,000 assessment to detemine where handicapped phones will go or that a 21 member Board will be set up (mostly governor appointed). The initial expenses of the Board will be $300,000, plus an Executive Driector and staff. If there is not enough revenue from 411 charges, this will be added to the rates. He doesn't think the Board has enough evidence to support E-911, and we need more work to understand the consequences. As for a timetable, Mr. Blomgren said that the Bill is still in Committee, and so there is no great hurry. Mr. Ready asked questions of David Ravenesi, New England Telephone Co. representative, who was present. He told the Board that the $100,000 is from New England Telephone's budget, and that the Board is not part of New England Telephone's plan - this

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must be state mandated. Mr. Johnson said there will be changes before the legislation is passed, and the Board should endorse the concept. The legislation will be worked out. Miss Towle said she thinks this is the best thing that could happen to the Town. Mr. Emerson said he supports the concept, but limits his support to that at this time.
Mr. Johnson moved that the Board write to our State Senator and State Rep. stating that the Board endorses the concept of E-911 and we know with their wisdom through the legislative process they will work out a package that will be beneficial to their consituents, and that we also support the concept of payment for the over use of 411. Motion seconded by Miss Towle. Vote was 4 in favor, 1 opposed (Mr. Blomgren).

The Board then discussed the bid for the removal and disposal of trash. Mr. Lynch said that the low bid was from BFI, in the amount of $1.4 million. This is recommended by the Trash Advisory Committee. The base bid provides for weekly pick-up of 1 - 4 family residences, with a limit on the number of containers. Other items - bulk pick-up, user fees, recycling - will be negotiated.
Motion by Mr. Johnson, seconded by Miss Towle, unan. to accept the BFI bid based on the recommendations of the Committee and the Ex. Sec.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to appoint Donald Hancock to the Auxiliary Police.

Under **Unfinished Business**, Mr. Emerson reported that the Traffic and Safety Coommittee's report on Central Square crosswalks voted last week left some confusion over the placement of the crosswalks.
Motion by Mr. Emerson, seconded by Miss Towle, unan. to refer the question back to the Traffic and Safety Committee for clarification.

Under **New Business**, Mr. Ready read a letter from the Cultural Council indicating that they want to publish 3 pen and ink drawings in the Annual Town Report. Motion by Mr. Johnson, seconded by Miss Towle, unan. to grant them permission to do so.

Mr. Emerson stated that regarding trash, 3 years is a relatively short term solution, and we need to think long range. He proposed a resolution, a draft of which he read, calling for a partnership with the City of Lowell. Mr. Ready said he supports the concept, but wants to include Westford. Mr. Blomgren asked what has happened with Lowell. Mr. Ready said let's put this on the agenda for Feb. 27 when the Trash Advisory Committee will be present. Mr. Emerson said he thinks that each BOS member has the responsibility to explore every possible alternative to the trash

problem, and that he and Mr. Johnson asked Mr. Lynch to contact the Lowell City Manager, and they had a beneficial conversation with him. Mr. Johnson said we are all looking for options, that a 3 year solution is not a long term solution. Two years ago Lowell was going for an all-burn facility and now they are looking at recycling and composting. He would like to send resolutions to Shirley and NESWC and all othe viable options. A regional effort should be cost saving. He added that the Board was never briefed on the transfer station that Mr. Blomgren was pursuing with the Trash Advisory Committee, and that at least Mr. Emerson should have been apprised of this idea.

Scoutmasters and Cub Scouts from Pack 170 joined the audience, and told the Board that they were working on their Citizenshp badge and wanted to observe a meeting. Mr. Ready explained that the Board was about to adjourn to an Executive Session, and explained what that meant. He said that each of the boys present would receive a Certificate of Participation from the office.

The press asked questions about why the Recreaton Commission fund was depleted, what the purpose of Mr. Emerson's resolution is, and how many Town employees have insurance with the Town. Mr. Lynch also told them that presently there is a limit of 5 bags and 2 containers of trash, but this will be renegotiated in the new contract.

At 7:20p.m. motion by Mr. Johnson, seconded by Miss Towle, to adjourn to Executive Session to discuss the conduct of an individual, collective bargaining and the filing of criminal complaints. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready stated that there would be no announcements after the Session.

Labor Attorney D. M. Moschos was present and explained to the Board that there is a new reason for Executive Session - for eollective bargaining with non-union personnel, to prepare the Board for negotiations with Department Heads, etc. and then to negotiate with them in Executive Session.

For the Board of Selectmen, by

Judith E. Carter

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MARY E. ST. HILAIRE
CHELMSFORD, MASS.

Regular meeting of the Board of Selectmen held Monday, February 27, 1989. Members present were: Mr. Ready, Mr. Johnson, Miss Towle and Mr. Emerson. Mr. Blomgren was away on vacation. Bernard Lynch, Executive Secretary, was also present.

During the Open Session Eric Hoover, Cultural Council CH, brought in the 3 pen and ink sketches that they want to put in the Annual Town Report. They were done by Chelmsford High School students and chosen out of all submitted by the Council. He will call the BOS office with names and addresses of the students whose work was chosen.

Chairman Ready called the meeting to order at 7:35 p.m.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to proclaim February 27, 1989 as Catherine R. Curran Day in the Town of Chelmsford, on the occasion of her seventieth birthday.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to proclaim March 13, 1989 as Boston University Sesquicentennial Day.

Ed Shanley, New England Telephone Co., was present with a petition for 2 poles to be erected on Stedman Street to serve Stedman Crossing. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve.
No one was present from Massachusetts Electric Company to present the petition on Badger Lane and High Street. Motion by Mr. Johnson, seconded by Miss Towle, unan. to table this petition.

A Public Hearing was held on the application of Shell Oil Company for an increase in underground storage at 184 Princeton Street. Attorneys John C. Carragher and Charles C. Merrell represented the applicant. Mr. Carragher told the Board that the Board of Appeals granted a variance to Shell Oil to rebuild the gas station and a convenience store. They want to put in new gasoline storage tanks - 3 12,000 gallon tanks for gas and a 1,000 gallon tank for waste oil, for a total of 37,000 gallons underground. Mr. Johnson told them that they have the neatest service station in Town, that it is very nicely landscaped. He also reminded Mr. Carragher to make sure that they apply for a Common Victualer's license for the convenience store. When asked Mr. Carragher explained the exhaust vents shown on the plan. Mr. Emerson asked if they are aware that the State is redesigning that intersection, and Mr. Carragher said yes, that they had discussed the redesign of the service station with them. The station will be operating 24 hours a day. Mr. Ready asked about signs and Mr. Carragher said that no variances or special permits are required, that all signs comply with the Sign Advisory Committee's guidelines.
No one present spoke in favor of or opposition to this increase.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to grant this increase subject to receipt of a written report from the Fire Department that there is no problem with the waste storage tank.

A Public Hearing was held on the application of J P's Pizza and More, Inc. for a Common Victualer's License at Garrison Place, 313 Littleton Road. Joseph Presley, owner, presented a pamphlet to the Board, and his green Return Receipt cards. He went to the Board of Appeals for a Special Permit, which was granted. He added that a Chinse restaurant is also going into the complex. He is asking for app. 18 seats - that his business will be mostly takeout. He told the Board of his experience in the food business, naming the establishments where he has worked. His proposed hours of operation will be from 11:00 am - 10:00 pm seven days a week. No one present spoke in favor of or opposition to the granting of this license. Motion by Mr. Johnson, seconded by Miss Towle, unan. to grant.

James M. Geary, Esq. Chairman of the Charter Commission, was present to update the Board on the status of the Charter. The Commission has gone out for bid for printing 12,000 copies and mailing out 11,000 copies. Vice Chairman Mary St. Hilaire solicited sealed bids and received 3. The bid was awarded to the low bidder, Olsen Business Forms. They will be ready for mailing the week of March 13. Mr. Geary then asked the Board if they would consider endorsing the Charter. Mr. Ready said that on behalf of the Board of Selectmen he would like to thank the Charter Commission for the excellent job they have done. Motion by Mr. Johnson, seconded by Miss Towle, unan. that the BOS endorse the concept of the Charter.
AttorneyJoseph B. Shanahan, Jr. then addressed the Board, stating that the Charter Commission is a-political. A broad-based and representative community group has formed a local Charter Commission Vote Yes Committee, which the Selectmen have supported individually. Mr. Shanahan passed out the first bumper stickers to the Board.

American Legion Post 313 presented a petition for a Change in Manager. John Doole, member of the Executive Board, told the Board that their previous manager has resigned. Their original choice for a new manager, Raymond Lauziere, has reconsidered and will take the manager's position. He will manage the facility, and Mr. Doole will do the books and pay the bills. Mr. Lauziere gave his background, saying that he had run NCO clubs while in the service, and ran a bar in Spain. He will work at the Legion 40 hours per week, and continue his part-time job at Tag's Gun Shop. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the Change in Manager.

Under **New Business** Mr. Emerson asked Mr. Lauziere questions about purchase of weapons in Chelmsford. He asked if an individual can purchase automatic weapons, and the answer was No, not unless the person has a Class III license, which takes a lot of time to obtain. An individual can buy a semi-automatic weapon, such as was used in the recent California killings. Mr. Emerson asked if any Town could prohibit the sale, and Mr. Lauziere said Yes, through a by-law. Mr. Emerson said he thinks the Town should have a by-law prohibiting the sale of these weapons. Motion by Mr. Emerson, seconded by Miss Towle, unan. to ask the office to research a possible by-law, working through the Police Dept., etc.

Under **Reports**, Mr. Lynch reported that we had talked about the need for a Special Town Meeting to fund our health insurance trust fund but the Town Accountant now thinks we can squeak by until the first night of the Annual Town Meeting.
He reported that we have to make annual appointments to the Nashoba Valley Technical High School Committee. The Moderator has suggested a meeting on March 27th for this, and the Board agreed, stating that anyone interested in being appointed as a regular or alternate member should apply through the Selectmen's Office.
He reported that we are negotiating with reclycing vendors, and the Trash Advisory Committee should have a recommendation in a couple of weeks. It was then decided that the Board will meet March 20, rather than the 13th and 27th.
Mr. Lynch announced that there is a vacancy on the Cultural Council.
He reported to the Board that the governor and legislature want to change the distribution of local aid from quarterly to semi-annually. The Mass. Municipal Assoc. is against this, since it would cost cities and towns a lot in interest. He will look into this further and have a report for the Board on the 20th.
Mr. Lynch reported that he has sent a memo to the Board on the Stonehenge project and is recommending the formation of a planning committee, with reps. from BOS, Planning Board, Conservation, Sewer, Traffic and Safety and the Town Engineer. Motion by Mr. Johnson, seconded by Miss Towle, to approve the formation of this committee. Vote was 3 in favor, 1 abstention (Mr. Emerson).
He then reported on the budget deficit, stating that $639,000 is the figure to use tomorrow night with the Finance and School Committees. This figure doesn't include any union settlements, and will probably go to $1.2 million when these figures are added in.

Under **Unfinished Business** the calling for a Special Town Meeting was dropped.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the request of Oliveria Little League of Lowell to hold a Tag Day at Eastgate Plaza and the Chelmsford Mall on May 13th.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve a 1-day All Alcoholic license for St. John's Church Adult Group on March 11th.

Motion by Mr.Johnson, seconded by Miss Towle, unan. to appoint John J. Howarth, John C. Roberts, II, David J. Walters and Michael F. Koenig as members of the Auxiliary Police.

Motion by Miss Towle, seconded by Mr. Johnson, unan. that since the Fire Chief appointed Charles Galloway as Deputy Chief and Michael Burke as Captain on February 21st, the BOS write letters of congratulations to these 2 men.

Under **Unfinished Business** Mr. Emerson said that the Traffic and Safety Committee's recommendation on crosswalks has been reworked, and a crosswalk will be put at the top of the hill. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve this new recommendation.

Mr. Ready suggested that a meeting be held with the Sign Advisory Committee, Building Inspector and Executive Secretary to try to tighten up on signs in Town.

Under **Press Questions** the Independent reporter asked for the Executive Session minutes of February 13, re the patrolman suspension. The Ex. Sec. will look into this and get back to her within 10 days. The Lowell Sun asked if the Board would support the Charter if Mr. Geary hadn't asked them to, and each member said they would. Mr. Ready said he sees it as a starting point.

At 8:35 p.m. motion by Mr. Johnson, seconded by Miss Towle, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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TOWN OF CHELMSFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular Meeting of the Board of Selectmen held Monday, March 20, 1989. Members present were: Mr. Ready, Mr. Johnson, Ms. Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Prior to the start of the meeting a large number of firemen marched into the Meeting Room and asked to speak to the Board. William Keohane, member of **Chelmsford Local 1839**, said that they are charging the Board tonight to make a commitment to sit and negotiate without legal counsel present from either side. Ms. Towle responded, stating that on 2 occasions the Union has told the Board they want this, without counsel, and have been told that the Board wants to have counsel present, as hired. We are awaiting the results of the audit, and she will move again to have the Board appoint her to sit with the Union and reach an agreement. Mr. Johnson said we has tried to be friends with all the Town Unions and want to give them what they deserve, but our hands are tied by budget constraints.

Donald Drew, Local 1839 Sec. Treasurer,said he has negotiated many contracts, and they want a session without attorneys, that they have nothing to lose. He added that this Board disgusts him and that their Attorney Dee Moschos has a reputation like a bad habit. He is disgusted that they can't sit down without counsel.
Bob McCarthy, Watertown, from the **Professional Firefighters of Massachusetts**,said that the Union has their support, that the Association of Boards is at their disposal to help, that this has been a protracted dispute disrupting jobs and home lives, and he believes that this dispute can be settled without labor attorneys.
Mr. Blomgren asked Mr. McCarthy if they have any similar situations in the 168 cities and towns in their organization, and Mr. McCarthy mentioned Chelsea and Lawrence.
Firefighter Ernest Nolet said he had one day's pay docked for sickness, and who authorized this. Ms. Towle told him that the Board, in conjunction with the Chief, authorized it. William Cady asked who's running the Fire Dept. - the Board or strong Chief Hughes. Mr. Johnson said that there is a misconception here - that the Board wishes to settle also, and that all towns have fiscal problems. We as a Board are trying to solve union problems, and see if they can find a way for the Board to fund their contract.
Firefighter Paul Henderson said he thought the Town doesn't have any money and where did they get the money to fund the new Deputy Chief's position? Mr. Lynch told him that the Chief found money in his budget, that it is a salary expense, and Mr. Henderson said the men don't believe that. He added that the Board says the Town has no money and then he sees them spending it in the Fire Dept. Mr. Ready stated that the Chief has said firefighting is more prevention than actually fighting fires.

Mr. Keohane said that there is lack of communication between the Board and the firefighters, noting that the management study recently completed calls for additional men and lieutenants, and can the Town fund them? He said they now have to deal with hazardous waste and medical assistance, and are undermanned by 10 - 15 men. Lowell and Billerica firemen both make more money, but Chelmsford responds to them, and shouldn't they be compensated for their responsibility levels - he wants to sit down face to face with the Board.
Mr. Drew said that they saved a man's life Saturday night, with 4 men working in the North section, but with only 2 men in the West and South stations they might not have been able to do this.
Mr. Ready said that he has never criticized the firefighters or the job they're doing, but in negotiating they won't allow the Town to change their health insurers, and the Board wants to see some cooperation on the Union's side.
Mr. McCarthy said they can negotiate health benefits now, and the association can assist them. He asked the Board if they have looked into some of the hi-tech firms in Town helping with new stations and equipment.
Mr. Johnson told the Chelmsford men present that he is tired of second guessing a Chief who they asked him to vote for.

Mr. Anthony Corsetti, 7 Freeman Road, asked to speak with the Board, charging police brutality. He said he has approached the Police Dept. and the Ex. Sec. on this matter, but has had no reponse. Mr. Ready said he will meet with Mr. Corsetti after the meeting, but Mr. Corsetti continued to speak, stating that Officers Ubele, Finnegan, Stott and one other, plus Captain Molleur, watched his son being beat up while handcuffed. Mr. Johnson asked Mr. Corsetti if he was present, and he said No, and asked why Chief McKeon wouldn't see him. Mr. Ready said we will investigate his charges, and Miss Towle said she has discussed this matter with the Chief and it shouldn't be discussed in open session due to a potential lawsuit. She added that we don't have to respond in open session but we will respond to him - this is not the place to do so. Mr. Blomgren said that the Board could go into Executive Session. Mr. Corsetti told the Board that they have until Wednesday to respond to him.

Chairman Ready tried to call the meeting to order at 7:40 pm but one fireman still wished to speak. Motion by Mr. Blomgren, seconded by Mr. Johnson, to allow him to speak. Vote was 3 in favor, 2 opposed (Towle and Ready). **Firefighter Paul Dalton** of Lowell said that he feels there is a lot not being understood by the Board and residents, that the firefighters expect to be dealt fairly with, that people in town sleep peacefully because of the Police and Fire Depts., and give them what they deserve.

At 7:45 p.m. Chairman Ready **called the meeting to order**, and asked for a **moment of silence** in memory of **Joe Maher**, member of several town boards and committees, who passed away last Friday.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to proclaim Camp Fire Birthday Week. The proclamation was accepted by four Camp Fire members and their leader.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to proclaim March as Scholarship Fund Month. This proclamation was accepted by Dennis McHugh and members of the scholarship fund committee.

Mr. Ready presented Certificates to Cub Scouts from Packs 107 and 70 for attending the meeting.

Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the minutes of the February 27th meeting, Regular and Executive Sessions.

The Board then signed the Memorandum of Agreement with the AFSCME Clerical Union bargaining team - Sandra Kilburn, Karen Flynn and Jo-Ann Molleur.

At 7:55 p.m. motion by Miss Towle, seconded by Mr. Johnson, to adjourn to Executive Session for a 5 minute period to discuss strategy with regard to collective bargaining. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. There will be an announcement after the Session.

The Board returned to open meeting at 8:15 p.m.

Miss Towle made a statement that the Board voted to have the Executive Secretary, on behalf of the Board of Selectmen, call the Joint Labor Mangement Committee on Tuesday morning and ask for joint mediation to be held between the Town of Chelmsford's respective parties and the Fire Union prior to March 31st.

Tom Eldridge, New England Telephone Company, presented the Board with a petition to place a new pole on Ledge Road to effect an upgrade in transmission by Mass. Electric. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve.

Jack Moynihan, Mass. Electric, presented a petition to place cable on High Street for underground utility service to a new development on Badger Lane. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the petition.

At 8:15 pm Mr. Ready turned the chair over to Moderator Dennis McHugh for the appointemnts to the Nashoba Valley Technical School Committee. School Committee Chairman Olsson put the name of John Donohoe in nomination for re-appointment to a 3-year term

seconded by Miss Towle. Roll Call vote was as follows: Ready-Aye; Johnson-Aye; Towle-Aye; Emerson-Aye; Blomgren-Aye; Olsson-Aye; Marcks-Aye; McHugh-Aye. Mr. Olsson put the name of Ronald Wetmore into nomination as alternate for a 3-year term. Roll Call vote was as follows: Ready-Aye; Johnson-Aye; Towle-Aye; Emerson-Aye; Blomgren-Aye; Olsson-Aye; Marcks-Aye; McHugh-Aye. At 8:20 pm Mr. McHugh adjourned the meeting and turned the chair back to Mr. Ready.

Scout **David LeMasurier** was present to discuss his Eagle Scout project with the Board. He told the Board he would like to fix the Bartlett Meadow, off Acton Road. He has spoken with Mrs. Cook, member of the Conservation Land Trust, who own the land. Motion by Mr. Johnson, seconded by Miss Towle, unan. to approve the project subject to a letter from the Land Conservation Trust, and the sending of a letter to the Trust saying that the Board supports the project, and have David get the Trust's OK and report back to the Board when the project is finished.

The Board then met with the **Community Alcohol and Drugs Awareness** Committee (CADAC) and Police Chief McKeon to discuss the new hotline. Chairman Conrad Stone told the Board that the Committee has had one television show on Cable 43 - a good, 2-hour session with the District Attorney. They ran a very successful poster contest in the schools and are running an employees assistance program. Mr. Ready asked Mr. Blomgren to represent the Board, since he is a member of the Committee. Mr. Stone added that they have distributed printed cards with all the Hotline numbers, and that John Aronie is starting youth programs. Chief McKeon said that the Police Dept. has installed a Hotline with an answering service and gave the number - 256-6257. He said that there have been no arrests yet, but there is potential. Mr. Stone indicated that this is a big confidentiality situation, and Chief McKeon added that there is a coloring book program in the schools that has been very successful. Mr. Blomgren said that the Committee has very limited resources, but a great group of volunteers. Mr. Stone added that he has tapes available on the TV shows if any group wants to borrow them.

At 8:35 pm the Board met with the Trash Advisory Committee. John Rugo, Committee Clerk, gave a slide presentation to the Board on the Committee's recommendations. He said the Committee is asking the Board to vote to: 1. collect cyclable materials at curbside; 2. contract with Vining Disposal; 3. do composting with Vining and Laughton's Nursery. He gave various reasons for recycling, and said that they want to go with Vining because they will collect curbside, sort out and market the recyclables; will share the income from the sale of recyclables; there is no charge for containers (worth app. $50,000); they will include schools and municipal buildings; and they have an educational program.

Mr. Rugo said the question is asked - why recycle now? and it is because our Town will be a flagship community.
Mr. Rugo told the Board that the recyclable pickup will be bi-weekly, or every two weeks, but they will cover part of the Town every day. He showed a recycling bin, and said that we may ask for larger bins, or residents could also put out a box marked "Recyclables". The Committee would like to start recycling on July 1st, but needs to start an education campaign long before that. Mr. Rugo then explained separation at curbside. Mr. Emerson said that the Committee has done an incredible job. Motion by Mr. Johnson, seconded by Miss Towle, unan. to adopt the program as presented by the Trash Advisory Committee to enter into a contract with Vining Disposal. Mr. Emerson moved to ask the Trash Advisory Committee to continue their work to educate the residents and to look for a long-term solution for the trash problem during the next three years, seconded by Miss Towle, unan. Mr. Ready said that they are the best committee he has seen appointed by the Board of Selectmen for the past nine years, and that they have done a really nice job.

Under Reports, Mr. Johnson reported that we have received a letter from Friends of the Senior Center Building and Grounds Committee, and moved, seconded by Miss Towle, unan. to have he Ex. Sec. coordinate a meeting as requested, with the Clerk of the Works, architect and committee members.

Mr. Johnson reported that we have received a letter from Andy Sims, member of the Trash Advisory Committee, indicating that DEQE has drafted a statewide recycling Master Plan stating that they have a 10 year goal of 35% of the state's trash being recycled. He said he thinks Chelmsford's goal should be 50% or higher.

Mr. Emerson said he has a concern about the enforcement of by-laws and thought it would be an agenda item. Mr. Ready said we are trying to schedule a meeting, and asked the Ex. Sec. to try to set up a meeting with concerned parties.

Mr. Emerson reported that the Bandstand Committee has decided that the field will be called Memorial Park and the bandstand will be dedicated to the Larkins, and asked that the Committee's name be expanded to the Memorial Park Bandstand Committee. He added that the 2 committees (Bandstand and Veterans) have been working together.

Mr. Blomgren had obtained a Municipal Salary Survey, which he turned over to the Ex. Sec.

Mr. Lynch reported that on the 911 system, all is going as planned and the system should be available by the end of March. The cut over will take place the middle of April, and he has held

an implementation meeting with the Police and Fire Chiefs. He reported that the DPW legislation is now before the Joint Local Affairs Committee and he will testify tomorrow.

Under **New Business** motion by Mr. Johnson, seconded by Miss Towle, unan. to appoint Ms. Barbara Ducharme as full-time civilian dispatcher in the Police Department, and Marc W. Morin, Frank C. Lane and Ms. Vincenza E. Whyte as part-time dispatchers, as recommended by the Chief.

Mr. Ready announced that tonight is the last scheduled meeting of this term for the Board of Selectmen, that he has enjoyed the past year as Chairman, and that at his first meeting of the year Bill Dalton and the firemen were present, and tonight reminded him of that meeting. He thanked Mr. Lynch for his support, and all the department heads, especially Fire Chief Hughes for the work he has done on hydrant maintenance.

Mr. Ready said that Article 27 on the ATM warrant deals with regulating the sale of assault weapons, and read the article as worded.

Mr. Blomgren asked about recycling - do we need a by-law, and Mr. Lynch said the Trash Advisory Committee is working on this, but for now recycling will be voluntary.

At 9:35 p.m. motion by Mr. Blomgren, seconded by Mr. Johnson, to **adjourn to Executive Session** to discuss the possible filing of criminal complaints. Roll Call vote was as follows: Mr. Johnson-Aye; Miss Towle-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Ready-Aye. Mr. Ready announced that the Board would not be reconvening to open session or have any announcements.

For the Board of Selectmen, by

Judith E. Carter

Reorganization Meeting of the Board of Selectmen held Wednesday, April 5, 1989. Members present were: Mr. Ready, Mr. Johnson, Miss Towle, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Mr. Ready called the meeting to order at 7:10 p.m. and asked for nominations for Chairman. Mr. Emerson nominated Mr. Johnson, seconded by Miss Towle, unanimous.

Mr. Johnson thanked the Board members, saying that he has served under three excellent chairmen - Jack Emerson, Roger Blomgren and Dennis Ready - and hopes he can do as well. He thanked Mr. Ready for doing an excellent job this past year as Chairman, and presented him with a mounted gavel.

Mr. Ready nominated Miss Towle to serve as Vice Chairman, seconded by Mr. Emerson, unanimous.

Miss Towle nominated Mr. Ready to serve as Clerk, seconded by Mr. Emerson, unanimous.

Mr. Emerson reported that since the Charter was voted in on Tuesday, the first thing the Board has to do is to appoint a Town Manager Screening Committee. Mr. Blomgren said we should have the Chairman or the Executive Secretary contact the media and announce that we are accepting applications for the Committee. Mr. Lynch asked the Board to not have him involved in the process in any way, since his future plans are uncertain and he may be applying for the Town Manager's position. Mr. Johnson will send a press release to the media.

At 7:15 p.m. motion by Mr. Ready, seconded by Miss Towle, unanimous, to adjourn.

For the Board of Selectmen, by

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MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, April 10, 1989. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Bernard Lynch, Executive Secretary, was also present.

Chairman Johnson called the meeting to order at 7:50 p.m.

Mr. Johnson called the Public Hearing to order on the application of Donald Darling and William Chandler to establish a billiard parlor at 313 Littleton Road. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to recess the hearing.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the minutes of March 27 and April 5.

Carrie Steimen and Donna Johnson, Citizens for a Cleaner Chelmsford, presented awards to the 36 students who won the poster contest, out of 500 entries submitted. Ms. Steimen presented t-shirts (400+ donated by BFI) and car litter bags (8,000 donated) to Board members, and reminded everyone that Saturday, April 29th, is Town-wide Cleanup Day.

At 8:10 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to reconvene the Public Hearing on the billiard parlor at 313 Littleton Road. Attorney Dennis McHugh represented Mr. Chandler and Mr. Darling, who, he said are both local residents and businessmen. They want to open an 18 table billiard parlor at 313 Littleton Road, with a cultured motif. They will control the types of activities taking place, have only 4 persons at a table, and will accept reservations. No alcohol will be allowed on the premises, now or in the future. They are planning a family style entertainment, patrons under 18 must have written persmission from a parent/guardian, and under 16 must be accompanied by a parent/guardian. The proposed hours of operation are 11 am - 11 pm, and they are also planning to hold tournaments. The owners are asking for suggestions from the Board as to what else they can do. Photos of the proposed tables were passed around the audience. Mr. McHugh said that there will be no more than 36 - 72 people at one time, and there are 150 parking spaces in the whole Garrison Place complex. Mr. Ready asked about the peak hours of operation, and Mr. McHugh said Friday nights, Saturday afternoons and nights and Sunday afternoons. Mr. Ready asked how they would manage tournaments and Mr. McHugh said that there is seating around the perimeter of the room. Mr. Emerson asked who will manage the facility, and was told that both Mr. Chandler and Mr. Darling will be there, one at all times. The ages of patrons will be checked at the service counter, and customers' licenses will be taken at the counter and held until the bill is paid. They will be investing between $80,000 - $100,000 in the business. Mr. Blomgren said that Police Chief McKeon does not support this proposal - that he "used" the City of Lowell as an

example. We have copies of good reports from the Police Chiefs of Amherst and Merrimack, NH, two towns which have billiard parlors. Mr. Johnson said he has been to the Cue Connection and it is a clean, well run operation. Mr. Ready asked if there is an area for snacks and drinks, and was told they could be enjoyed anywhere around the perimeter, but not at the tables. The charge will be $8.00 per hour per table for 2 or more players, and $6.00 per hour for a single player.
Mr. Johnson then asked for questions from the audience. Joe Dean, 12 Stedman Street, asked about their marketing and advertising plans and Mr. Darling said that they will use various media for advertising and have done a personal survey. Steve Incropera, 11 Wedgewood Drive, asked what research they have done, and what type of clients and from what communities. Mr. Darling said they have spoken with Cue Connection and Leather Pocket, and they expect to attract local residents. Mr. Incropera said he has never seen a family playing pool, and asked about parking. Mr. Darling told him that they figure 1 - 2 cars per table, and could expect to have 18 - 24 cars at peak hours. Mr. Incropera said that this type of establishment is not compatible with Chelmsford neighborhoods. Barbara Bunn, 6 Chamberlain Road, feels this is an experiment and will lead to liquor and video games, and what type of element will this attract. Mr. Johnson asked if they would enter into a covenant with the Town stating no liquor and no videos, and they said yes. Mrs. Bunn asked how Mr. Chandler can own 2 stores and do an excellent job of managing, and also said she is concerned about traffic, and where will people park. Mr. Johnson said that every entertainment license has to be renewed and reviewed on a yearly basis and is not transferable. Christina Ingallina, Chamberlain Road asked what if the Chinese restaurant gets a liquor license. She said that with the billiard parlor being on the second floor it will be overlooking their backyards, and we will get the wrong people in Chelmsford. There is also a child care center on Littleton Road, and should they have a pool hall next door? Mr. Johnson said that we re talking about putting restrictions on a permitted use. Herman Dean, 270 Littleton Road, said he has been in billiard parlors and pool halls in 41 states, and asked if they are having a dress code. Mr. Darling said they will have a dress code, requiring a shirt with a collar. Ray Dion, 14 Parlee Road, said he grew up in the City of Waltham and there is a world of difference between a pool hall and a billiard parlor, that a billiard parlor is family oriented. Mr. Johnson said he wants to make sure the dress code is implemented if the license is granted. Eunice Gray, 24 Chamberlain Road said that they were told that 313 Littleton Road would be office and retail space, and there would be a buffer zone, which has not been put in. Mr. Darling said he is working there, and the landscaping is just getting started. Marcia Hartley, 28 Stedman Street, doesn't feel enough research has been done into the type of clientele that will be attracted, and asked to see the petitions that had been presented by the applicants signed by persons in favor of the billiard parlor.

Mrs. Bunn asked what recourse the neighbors have, and Mr. Johnson said to call the Police, Selectmen's Office or Building Inspector if they see any violations, and that the Board will be reviewing the license, if granted, at the end of the year. Mr. Incropera said that he questions the amount of time spent on research by the applicants and also the amount of time that they can spend managing the parlor. Another neighbor said she wants the back windows of the establishment covered.
Mr. Emerson said he wants the Board to defer their vote until they can inspect the premises. Mr. Blomgren said that there is no liquor license intended for the Chinese restaurant, and aked the applicants to draw up guidelines and the dress code, and also what actions they and the employees will take if there is a problem. Mr. Ready said he has serious concerns: that being on the second floor they will not be able to see what's happening outside; parking is more intense than it would be for an office; the Police Chief's report - ask him to contact the Chiefs in Amherst and Merrimack, NH.
At 9:10 p.m. Mr. Johnson closed the hearing. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to table the application until April 24th.

Jack Luskin, 34 Stedman Street, was present to discuss **Stedman Street** traffic with the Board, and thanked the many residents of the street and area present for coming. Mr. Luskin said that 2 years ago he had talked with the Traffic and Safety Committee about heavy truck traffic on Stedman Street and Dalton Road, that it took a year to get a traffic count and agreement from the City of Lowell. Five months ago he thought the plan was ready to go to the State for approval, but found it had been tabled from Bernie Lynch. He then received a letter from Sel. Emerson telling him that in his opinion there was no great amount of truck traffic on Stedman Street. Mr. Emerson told Mr. Luskin that he has gone to the intersection on several occasions and seen very few trucks, but Mr. Luskin said that the official count warranted truck exclusion, and he asked the residents present to verify the heavy truck traffic. Mr. Johnson stated that there are other roads in Town with heavy truck traffic - Stedman Street, Billerica Road, Groton Road, and Mr. Ready added that we would ban truck traffic in every residential neighborhood if we could find alternate routes - we are in favor of banning trucks if we can. A resident from 20 Stedman Street complained that the sidewalks are inadequate. Mr. Johnson said that we gave the area a 5-way Stop, and the Board has to look at the broad picture. Mr. Luskin said that we've gone through the process and were not informed that the process was tabled. Mr. Blomgren asked for the alternate routes and Town Engineer Jim Pearson said Routes 110, 495, 3 and Westford Street in Lowell. Mr. Pearson added that in the traffic count Stedman Street had 3 - 4% trucks, Golden Cove Road 2%, and the State wants to see 5% before approving a

truck ban. Mr. Luskin said that there are heavy construction trucks in the early morning, then large cargo trucks with flammable materials, and he said he has a 5-day video tape that he had made.
Motion by Mr. Ready, seconded by Mr. Blomgren, unan. to approve the truck ban and to submit the application to the State to exclude Stedman Street and Golden Cove Road, stipulating that there are viable adequate major roads as alternate routes. Mr. Luskin will be notified when the State takes any action.

At 9:35 pm the Board took a **5-minute recess.**

At 9:40 pm a **Public Hearing** was held on the **discontinuance of Douglas Road Extension.** Jim Pearson said that this is 150' of road headed up the hill from Douglas Road, with 3 houses on it. The road was accepted in 1956, when the extension was still forest land. The Planning Board approved the construction of the 3 houses in 1984 with a common driveway, which is not up to Town standards, and which the residents have covenanted with the Planning Board to maintain. This portion of the road is very steep and the Town has liability. The Town now owns this portion and when we discontinue it, it becomes a private way. A $15,000 bond is still being held by the Planning Board, and there is now a lawsuit with the developer over drainage. Mr. Johnson said he doesn't think we should discontinue the road until the suit is settled, since it is putting the 3 residents in an adverse position. Mr. Ready said we should solve the problem first and then discontinue the road. Jane Melamid, 17 Douglas Road, said when they purchased their home they were told it was a private way and they could apply to have the cul-de-sac accepted as a Town street, and they get no services now. Margaret Carey, 13 Douglas Road, said if it belongs to the Town, the Town should keep it. Mr. Lynch said that the road would have to be rebuilt and the slope lessened and the drainage corrected.
Mr. Melamid said he is concerned about tying into Town water.
Mr.Johnson asked the residents if they want the road discontinued and they answered No. Mr. Ready moved to table until they have checked with Town Counsel to see who owns it if the road is abandonned and why there are no services - trash pickup, snowlplowing, etc.

Mr. Pearson then reported on the **streets** that are on the warrant for **acceptance:**

1. **Michael's Drive** - off Dunstable Road, 140 feet in Chelmsford, rest in Tyngsboro, only one residence, bond money being held to complete. Mr. Pearson recommends. Motion by Mr. Ready, seconded by Mr. Blomgren, unan. to approve.

2. **Sarah Lane** - 625 feet off Old Westford Road, 98% complete, 5 residences, $8,000 bond. Mr. Pearson recomends and residents Mr. and Mrs. James Buliszak were present and in favor of acceptance. Motion by Mr. Ready to approve, seconded by Mr. Emerson, unan.

3. **Armand Drive** - 12 lots off Proctor Road, 950 feet. Mr. Pearson said the street is complete and the bond has been released. He recommends acceptance. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

4. **Poplar Lane** - 550 feet off Protor Road, 6 duplex lots, 100% complete, no bond. Mr. Pearson recommends acceptance. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve, subject to the Town Engineer checking into the hill at the end of the cul-de-sac and find out why trees are being taken down.

5. **Scotty Hollow Drive** - 1000 foot access road off Groton Road. Mr. Pearson said he is waiting for 5 items to be completed and doesn't recommend acceptance at this time. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to put this acceptance on Hold.

6. **Wiggin Street** - approved by the Planning Board in 1979. 12 single lots, off North Road, with a potential for 5 or 6 more building lots. There was a court settlement of $45,000 to the Town to finish the road. Mr. Pearson recommended accepting the first 1,000 feet and leaving 900 feet to be developed and connected to Starlight Avenue. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

Barbara Scavezze, CH **Trash Advisory Committee**, updated the Board on the Committee's plans for educating the residents re recycling. She said they plan to speak to local organizations and Town employees. The first public meeting will be held April 12 and on April 26 at 7:30 an educational forum will be held on Cable 43. They are setting up a block leader program, and if anyone is interested they should contact the Selectmen's Office. They are planning a Fourth of July booth, with a Vining truck in the parade and a display at Annual Town Meeting. She told the Board that Mr. Lynch has been a great help to her committee. The Board approved the 14 gallon recycling bin, and Mr. Johnson asked the Committee to coordinate the colors with Mr. Vining. Ms. Scavezze said that the Committee wants some input into user fees, if enacted.

Under **Reports** Mr. Ready reported that on March 29 the Middlesex County Advisory Board voted on the budget. One was submitted from the Commission and one from the MCAB Finance Committee. The MCAB voted to go with the lower budget, from the Finance Committee. This will mean laying off app. 40 county employees, mainly guards at the Courthouse.

Mr. Emerson reported that under the newly passed Charter, it is up to the Board to implement its charges. The Board must appoint a Town Manager Screening Committee. Each Board member will nominate 2 people to the 9 member committee, with one member nominating only 1. Board members drew numbers, and Mr. Emerson drew a"1", so he will have only one nomination.

Mr. Blomgren reported that there is a truck with a "Truck for Sale" sign on it on North Road at Fairview Street, and asked to have the Building Inspector have it removed.

Mr. Blomgren presented a draft statement on the Town's philosophy on substance abuse by Town employees. Mr. Johnson said that Mr. Blomgren is doing an excellent job as liaison to the CADAC Committee.

Mr. Lynch reported that he has received a letter from Robert Hughes resigning as a member of the Bandstand Committee. There is already a vacancy due to Joe Maher's death, which means 2 vacancies. The Committee has asked to meet with the Board in the near future.

Under **Unfinished** Business Mr. Ready asked if now the Charter has passed if the Board should appoint a temporary Town Manager. Mr. Emerson said we will have an Executive Secretary until the Town Manager is appointed. Mr. Lynch said that it is somewhat vague but that the Board of Selectmen can carry out the Town Manager functions until one is appointed.
Mr. Blomgren said he wants to go through the Public Safety Study with the Police Chief and ask what action has been taken.
911 will go into effect on April 14. Mr. Lynch said that money will be transferred at the Special Town Meeting for equipment for the Police Station.
A letter will be sent to the Cambodian Temple asking for a schedule of their events for the spring and summer.
Motion by Mr. Ready, seconded by Mr. Emerson, unan. to send a letter to Police Officers Scott Ubele and Michael Stott thanking them officially for their good work in referring a young woman to a mental health faciity. Her mother had sent a letter to the Board praising the work of these two officers.

Under **New Business**, motion by Mr. Ready, seconded by Mr. Emerson, to **adjourn to Executive Session** at 10:40 p.m. to discuss strategy with reg ard to collective bargaining and the lease or
sale of real property. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.
Mr. Johnson announced that the Board would not be returning to open session

For the Board of Selectmen, by

Judith E. Carter

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CHELMSFORD
TOWN CLERK

Work Session of the Board of Selectmen held Tuesday, April 18, 1989 at 7:30 p.m. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was out of town on vacation. Bernard Lynch, Executive Secretary, was also present.

Chairman Johnson called the meeting to order at 7:00 p.m. He read Section 8.5 of the Charter, which calls for 9 persons to be appointed within 30 days of approval of the Charter, to serve on a Town Manager Screening Committtee. Mr. Emerson stated that he was appointed to coordinate the Screening Committee, to recruit and screen applicants. A drawing was held and each of the other 4 Selectmen will nominate two persons, and he will nominate one.

Miss Towle joined the meeting via a conference phone call.

Miss Towle nominated Eileen Duffy, 3 Locke Road, and Thomas Welch, 56 Crooked Spring Road, seconded by Mr. Emerson, unanimous.

Mr. Ready nominated Barry Balan, 17 Jessie Road, and Joan Gauthier, 29 Bartlett Street, seconded by Mr. Emerson, unanimous.

Mr. Emerson nominated Max Ward, 15 Pinewood Road, seconded by Miss Towle, unanmimous.

Mr. Blomgren nominated John Carson, 26 Ideal Avenue, and Arnold Lovering, 8 Omega Drive. Mr. Emerson said he has a problem with these two names - their political backgrounds and associations have a lot in common. He could vote for one, but not both. Miss Towle seconded the motion, for discussion, by phone, and said she has a problem with appointing two former selectmen. Mr. Blomgren said that Mr. Carson's background is as a Selectman and former member of the Executive Secretary Screening Committee. Mr. Lovering is a former Selectman who has been a Town resident for 24 years and active in supporting the Charter. He feels both men represent the broadbase of the community. Miss Towle said that they are both members of the Roundtable.
Dale Spencer, 7 Hillside Lane, said that he feels the majority of Chelmsford residents are under 30, and work as engineers, and asked how the Board established the demographic base. Mr. Emerson said that both Mr. Lovering and Mr. Carson are eminently qualified, and both are former selectmen and members of the Roundtable. Miss Towle said we should take other names in nomination, and Mr. Blomgren said this is the first time he has heard the rules placed on the table. Mr. Blomgren said that some of the other names appointed are both political and were against the Charter. Mr. Ready said he has no problem with more than one selectman, because he feels former selectmen would understand what the job entails.
Mr. Emerson stated that if one nomination fails, he has the next nomination since he only had one name, but if Mr. Blomgren will withdraw one of these names, he would support another nomination

from Mr. Blomgren. Mr. Blomgren asked to leave the names as presented. Motion by Mr. Ready, seconded by Mr. Emerson, to vote each name separately. Vote was 4 in favor, 1 opposed (Mr. Blomgren). The vote on John Carson was unanimously in favor. The vote on Arnold Lovering was Mr. Ready and Mr. Blomgren in favor, Miss Towle, Mr. Emerson and Mr. Johnson opposed. It was then determined that Miss Towle's vote does not count since she is not present, so the vote was a 2-2 tie, and the nomination of Mr. Lovering failed.
Mr. Johnson nominated **Blair Jay Finnegan, 40 Grandivew Road, and Thomas J. Cobery, 263 Riverneck Road,** seconded by Miss Towle, unanimous.
Mr. Emerson then nominated **George Simonian, 6 Overlook Drive,** unanimous.
Mr. Blomgren then said that he doesn't think the Board ever voted on the rules for appointing the Screening Committee as presented tonight by Mr. Emerson. Motion by Mr. Emerson, seconded by Mr. Ready for discussion, to adopt the rules as presented. Mr. Ready then said he disagrees with the rules and that they were never adopted, only the procedures. Mr. Emerson said that the rules are his personal opinion, and that Mr. Blomgren knew of the procedure. Mr. Johnson said that the Board had adopted the procedure, not Mr. Emerson's personal recommendation, and the Board has the right to nominate nine members.
Dale Spencer said he objected to the procedure followed, and feels the Board made no effort to follow the language in the Charter. Mr. Ready said that the search for screening committee members was advertised in a local newspaper. Mr. Johnson said he will contact the 9 members appointed tonight and ask them to meet at their earliest convenience. Mr. Ready said he feels that the Committee needs a liaison from the BOS, and Miss Towle suggested that they contact the Chairman.

A **Work Session** was then held on the general, zoning and sign by-laws. The Board had invited reps from the Sign Advisory Committee, Board of Appeals, Planning Board, Building Inspector and Town Engineer. Mr. Johnson stated that the Board has an overall concern with the enforcement of some of the by-laws and asked Building Inspector Tony Zagzoug to explain the process on a building complaint and then on a zoning violation. Mr. Zagzoug outlined the process, and said that he wants to inspect all licensed establishments before licenses are renewed annually, and also wants to start a checklist for different departments on any new construction project. Mr. Johnson commented that the Planning Board needs approval from seven different boards before they will approve a plan, and Mr. Ready said he would like to see a similar procedure for each type of thing - for example, the Treasurer would have to indicate that taxes have been paid on a liquor license renewal.
Dan Burke, CH Board of Appeals, said he has collected Board of Appeals rules and regulations from 5 or 6 communities, and is

scheduling a Work Session for his Board to work on ours. The Board of Appeals is not a regulatory agency and he thanked the Building Inspector for a good job in enforcing their decisions and said that we need more teeth in the by-law. Mr. Ready added that the Building Inspector can't be everywhere, we should all be more aware of conditions and need more information sharing between boards and commissions. Mr. Lynch said that Section 2 of the General By-laws, non-criminal disposition of violations, needs to be tightened up. This saves taking violators to court since we can give them a ticket on the spot. Mr. Johnson asked if the abandoned car by-law has been helpful, and Mr. Zagzoug said that there have not been as many complaints and he thinks it is working, but ticketing would work even better. Mr. Ready noted that the sign by-law is the hardest to enforce, and ticketing would definitely help in this case. Under ticketing, the first offense would mean a warning, and the second violation a fine. John Harrington, Sign Advisory Committee, said he would like to see businesses inspected some time other than in December. He added that the Sign Advisory Committee has made progress each year, and that gas stations are the worst offenders.

Mr. Emerson said to Mr. Zagzoug that he feels the Building Department should determine if a complaint is valid, rather than determine who made the complaint, and that using the name of the complainant tends to start neighborhood feuds. Mr. Zagzoug said he has never used the name of a complainant. Mr. Emerson then asked Mr. Zagzoug why it takes so long to get some violations corrected and he answered that this is because of the legal process. Mr. Emerson stated that enforcement of the Historic District rules comes under the Building Inspector, according to Town Counsel, but Mr. Zagzoug said he feels some are to be enforced by the Police Dept., if they come under the General By-laws. Mr. Ready commented that he thinks it's time we look at the lighting by-law, and maybe put it on a Special Town Meeting warrant.

Motion by Mr. Ready, seconded by Mr. Emerson for discussion, to support the ticketing concept as presented by the Building Insepctor, and have the Ex. Sec. work with the Building Inspector or appoint a committee to draft a by-law. Vote on the motion was unanimous in favor. Mr. Johnson asked the press to publicize the fact that the Board plans to start strict fines for by-law violations. Mr. Blomgren said we should understand the process of ticketing before we vote to adopt it. Mr. Lynch explained that the process may be seen as a fee finding tax but actually is to enforce the by-laws more efficiently. Concord, Framingham and Canton all use this system. He and Mr. Zagzoug will strengthen the enforcement of the exisitng by-law and research and come back with a proposed by-law by July 1st.

Mr. Emerson moved, seconded by Mr. Ready, unan. that regarding the letter received from the Board of Health asking for a Special

Town Meeting on capping the Swain Road landfill, that the Board meet with Special Counsel to review the whole situation, since there is litigation involved. Mr. Lynch said he will try to set this up by Thursday night, and Mr. Johnson asked that Board of Health Chairman Mark Gauthier be requested to come to the meeting.

Mr. Lynch then stated that he is concerned about the level of communication between regulatory boards, departments and commissions, and that he would also like to have a check list for occupancy permits. He added that the Board of Selectmen will do better getting reports on licenses from other Boards and departments. He said that he would ask the Building Inspector to monitor things more closely. Mr. Burke added that he feels there should be more teeth in the sign by-law.

An Executive Session had been scheduled but the Board decided it was not necessary.

At 8:45 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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MARY E. ST. HILAIRE
CHELMSFORD
MASSACHUSETTS

Meeting of the Board of Selectmen held Thursday, April 20, 1989. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson, and Mr. Blomgren. Miss Towle was absent because she was away on vacation. Bernard Lynch, Executive Secretary, was also present.

Mr. Johnson called the meeting to order at 7:30 pm and opened the Public Hearing on Classification. Assessors Diane Phillips, Ruth Delaney and Richard Tevlin were present. Ms. Phillips, as Chairman, said that the Board of Assessors have voted to stay with the same 5% as last year. Mr. Emerson asked them to differentiate between sewered and unsewered properties. Ms. Phillips said she will check other towns and watch the Chelmsford market, but she assumes that sewered property has a higher market value. Ms. Delaney commented that we might get no reactions for the first year. Mr. Emerson said that unsewered taxpayers think they should have a lower assessment. Ms. Delaney said their taxes won't be reduced but will not be as high as property that is sewered; however, their taxes will go up like everyones. Mr. Emerson asked her to define 5% - is it 5% more on business and 5% less on residential across the board, and Ms. Phillips explained the difference.
Motion by Mr. Ready, seconded by Mr. Blomgren, to accept the Board of Assessors recommendation and continue with the same 5% shift classification. Vote was 3 in favor, 1 opposed (Mr. Emerson). Mr. Johnson said that he has been against classification the last 2 years but agrees with the Assessors this year, in view of the economic climate. This will be reviewed every year, but he is not infavor of increasing the shift at the moment. Ms. Phillips said that to go back to one rate now would seriously effect the residential taxpayer. Mr. Emerson said this is not the right year to change back but he wants to eliminate it some year.

Mr. Blomgren said that in the philosophy on substance abuse that he presented at the last meeting Occupational Health Nurse should be substituted for Town Nurse. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to accept the Statement of Philosophy.

At 7:45 p.m. motion by Mr. Blomgren, seconded by Mr. Ready, to go into **Executive Session** to discuss collective bargaining. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

The Board returned to **Open Session** at 7:55 p.m. Mr. Johnson said that the reason for Executive Session was to discuss the status of the bargaining with the Highway and Cemetery Departments. Mr. Blomgren said they have met twice to discuss issues and to bargain, and he feels that by this time tomorrow either Mr. Lynch or Mr. Johnson will have a statement to make. Mr. Johnson added that the Board has agreed to the principles stated by the unions and management.

Mr. Johnson asked if all the members have reviewed the **Warrant articles**, and suggested that members bring up articles that they

want information on.

Article 2: Mr. Ready said they want to increase the Personnel Board by 2 members to a total of 5. Under the Charter this would be a Town Manager appointment and the wording should be amended. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to table this until a Town Manager is appointed - this is a gray area. Mr. Lynch checked the Charter and said that under 8.5d the Board has the Town Manager's powers and responsibilities. Mr. Ready moved, seconded by Mr. Emerson, unan. to table it until May 1st (after the recount on the Charter). Mr. Lynch recommended that the Board oppose the 5 weeks vacation after 20 years, that only the clerical union has this. Motion by Mr. Ready, seconded by Mr. Emerso, unan. to oppose.
Article 13: Mr. Lynch said adoption of 41C, rather than the present 41B, is recommended, since it has less severe requirements on the elderly.
Article 14: Mr. Ready asked Mr. Lynch to come up with additional numbers on trash collection: 1. to get rid of the Town's trash and 2. seed money for a user fee. Mr. Blomgren asked that department heads be notified to be prepared to speak on their budgets.
Article 15: Reserve Fund
Article 26: Douglas Road discontinuance - Mr. Lynch said we are waiting for Town Counsel's opinion.
Article 27: Gun Control - Mr. Emerson said that based on proposed gun control legislation at the state and federal levels and Chief's McKeon's non-support of the article as worded, motion to dismiss, seconded by Mr. Ready, unan.
Article 33: contained in Charter - not needed
Article 35: purchasing - contained in Charter
Article 36: Center School - the School Committee wants a signed agreement that if they need it back, we will give it back. Motion by Mr. Ready, seconded by Mr. Blomgren, unan. to send them a memorandum to that effect
Articles 37 and 38: Motion by Mr. Emerson, seconded by Mr. Ready, unan. to recommend against these articles due to the fact that we will have Representative Town Meeting in the future.

Articles on the Special Town Meeting Warrant will be discussed and voted on at the April 24 BOS meeting. Articles 7 and 8 have been moved from the ATM Warrant to the STM Warrant.

Mr. Johnson said when we send appointment letters to the Screening Committee he will ask them to attend a meeting on April 26 at 7:00 pm. He will be there and bring them information. Mr. Blomgren said he has contacted Mass. Municipal and they will provide the Committee with job descriptions. Mr. Ready and Mr. Emerson said that the Committee has to draw their own guidelines, unless they ask for input from the Board. Mr. Johnson will tell them to have their Chairman contact the BOS office for any help they need.

A press question was asked: how many letters on gun control have

members received? Mr. Emerson said 10, Mr. Blomgren and Mr. Ready - 5, and Mr. Johnson 2, all asking for Article 27 to be withdrawn.

At 8:55 p.m. motion by Mr. Ready, seconded by Mr. Emerson, to **adjourn to Executive Session** to discuss collective bargaining and litigation. Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson said they will not be returning to Open Session and there will be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Regular meeting of the **Board of Selectmen** held Monday, **April 24, 1989** at McCarthy Middle School. **Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Proclamation: Arbor Day. Motion by Miss Towle, seconded by Mr. Emerson, unan. to proclaim Friday, April 28, as Arbor Day in the Town of Chelmsford.
Proclamation: Youth Government Week. Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim the week of April 24, 1989 as Youth Government Week in the Town of Chelmsford.

Under **Reports**, Mr. Lynch reported that we have received a letter of resignation from the Bandstand Committee from John P. Emerson, Jr. A copy will be sent to the Chairman, Jean Kydd.
He reported that we have two grant applications to be approved by the Board. The first is for a regional solid waste study, requested by NMAC. This has been approved by the Trash Advisory Committee. Chelmsford's share will be $1,000. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
The second grant is a NMAC proposal to do an assessment of the impact of the Stonehenge (Granite Pond) project. Mr. Goode will take this proposal to the Planning Board, since their approval is also needed. The project will be funded by NMAC and the State. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve this grant.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to **renew** the **Roadside Vendor's license** issued to Doreen Bonney and Delores Jamros to sell hotdogs at 83 Groton Road.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **appoint** Mrs. Anna Griffin as **Junior Clerk** in the **Fire Department**, as recommended by the Chief.

Mr. Lynch reported that the **Middlesex County Criminal Justice Advisory Committee** is seeking 3 Chelmsford residents to join the committee. Miss Towle said she is interested, and we need 2 more people. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to nominate Miss Towle to the Committee.

Mr. Lynch then explained each of the **articles** on the **Special Town Meeting Warrant.**
Art. 1 - a transfer to the health insurance trust fund. Claims have been greater than anticipated, and we have been delaying payment since March.
Art. 2 - a transfer to liability insurance, to repay deductibles that have been paid by the insurance companies.
Art. 3 - transfer to pay for hot-topping the Police Dept. parking

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lot.
Art. 4 - transfer to Police Dept. expenses, to pay for equipment necessary to install 911 system.
Art. 5 - the State has changed the procedure in paying Chapter 90 money to communities - the Town now has to appropriate the funds prior to reimbursement by the State.
Art. 6 - transfer to Veterans' Benefits salaries - sick time buyback for Ann Jensen.
Art. 7 - transfer from prior Capital Planning articles.
Art. 8 - exemption for sewering funds that was voted at the annual Town election.
Art. 9 - transfer to Recreation Commission salaries - to pay for the tagging that was done at Freeman Lake last summer.
Arts. 10 - 15 - sale of Town-owned land to individuals.
Art. 16 - transfer to Selectmen's expenses, to pay for the balance of the Hepatitis B vaccine given to police, firemen and Auxiliary Police.
Art. 17 - funds to study depressing utilities in the Center. Mr. Ready explained the scope of the area involved, and said that we are asking for $7500.00.

There was discussion of articles on the ATM warrant that can be withdrawn immediately, and it was noted that Article 27, gun control, should be included on the list.

The Board then voted on the application of Bill Chandler and Don Darling to open a billiard parlor, Pockets, at 313 Littleton Road. Attorney Dennis McHugh had sent a package of materials to the Board, including a letter from the applicants stating they have no interest in applying for a liquor license. Mr. Johnson read a letter from Police Chief McKeon saying that he upports the granting of the license, with contingencies. Mr. Emerson said he had requested a hold at the last meeting so he could inspect the premises. He went to the premises, and said you can barely see the abutting residences from the second floor windows, and he feels the business would have no impact on the neighborhood. Mr. Ready said he had had concerns, but that Attorney McHugh and Chief McKeon have answered them. Mr. Blomgren said he went to visit the billiard parlor in Amherst, NH yesterday, but they were closed. Neither that parlor nor the one in Merrimack, NH abut residential areas, and he feels it is not conducive to the Town to support a parlor on Littleton Road. Mr. Johnson said he made the point two weeks ago that he is a billiard afficionado, and he is sure that the applicants will run the parlor properly. They have made an investmen and commitment to the community, and are sensitive to the nieghbors concerns. We will watch the operation carefully.
Motion by Mr. Ready, seconded by Mr. Emerson, to approve the opening of the billiard parlor with the condition that the Police Chief will check whenever he wishes. Vote was 3 in favor, 1 opposed (Mr. Blomgren) and 1 abstention (Miss Towle, because she was not present at the Public Hearing).

Catherine Gabriel was present requesting a Roadside Vendor's

license to sell ice cream from a truck at Varney Playground. She has her license from the State. When asked about her background and experience, Mrs. Gabriel said she was a restaurant manager in Tewksbury from 1981 - 1987. She would plan to be there seven days a week, from 10:00 am - 9:00 pm, or earlier, if that is what the Board wishes. The Board asked her to get references from Tewksbury, and she will bring in pictures of the truck to the May 1st meeting. Miss Towle requested to put the matter on Hold until May 1st. Mr. Blomgren said he thought we put a moratorium on roadside vendors' licenses, and asked the Ex. Sec. to review that policy and also the policy of what applicants are required to bring to a meeting with the Board.

Under **New Business** Miss Towle said she had received a call about a carnival being held at the Forum in Billerica and part of the Forum land is in Chelmsford. She said the Selectmen's Office and the Police Department are checking into this.

At 7:20 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to Executive Session to discuss strategy with regard to collective bargaining. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye and Mr. Johnson-Aye. Mr. Johnson said there would be no announcements after the meeting and the Board would adjourn directly to Town Meeting.

For the Board of Selectmen, by

Judith E. Carter

Regular Meeting of the Board of Selectmen held Monday, May 1, 1989. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present, as were members of the School Committee.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the minutes of the meetings of April 10 and April 20, 1989, Regular and Executive Sessions.

Under Reports, Mr. Ready said that he thought the Committee for a Cleaner Chelmsford did a nice job last Saturday. Mr. Blomgren said he thought they did a hell of a job, and he is amazed at how much trash was picked up and how much still remains. He said he thought we should consider making the last week in April Cleaner Chelmsford Week, and put this into the form of a motion, seconded by Mr. Emerson. Mr. Ready asked to amend the motion to add that the first Saturday after Annual Town Meeting will be Clean Up Day, and that way we can have the Town Meeting representatives distribute the bags and gloves, etc. The vote on the motion and the amendment was unanimously in favor. Mr. Johnson added that we don't want people to think that this means we will pick up all their trash.

Mr. Johnson reported that as a former Planning Board member he has a seen a rather disturbing sign at West Coast Video store, in the Center. He said that the flashing lights give the impression of a sign, and he asked his fellow Board members to drive through the Center to look at it. He said he had called John Harrington, former Chairman of the Sign Advisory Committee, and Mr. Harrington has received a number of calls. Mr. Johnson cited the by-law on signs. Motion by Mr. Ready, seconded by Miss Towle, unan. to contact the Building Inspector and ask him to make a decision, and also ask the Historic District Commission for their input. Vote was 4 in favor, 1 abstention (Mr. Emerson abstained, as owner of abutting property).

The Board then met with the School Committee to discuss the Center School. CH Barbara Ward said they want to clarify the letter of agreement turning the Center School over to the Selectmen, and said that they want the ability to get the building back if they have need for it. Mr. Ready said that it has always been the Board's intention to keep the building in useable condition, and have it ready for use as a school within a 5 year period. Mrs. Ward asked that this intent be a matter of public record. Carl Olsson asked Town Counsel Town Horton if the School Committee needs the building, does it need Town Meeting action, or can the Board of Selectmen transfer it. Mr. Horton told him that the Board can transfer the building back to the School Committee. Motion by Carol Merriam, seconded by Wendy

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Marcks, unan. to accept the letter from the Board of Selectmen regarding the Center School. Mr. Emerson moved, seconded by Miss Towle, unan. that the Board of Selectmen accept the letter of agreement turning the Center School back to the Board of Selectmen. Mr. Olsson asked that the School Committee wait until Mr. Poulten arrives before voting to turn over the school building.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Susan Boucher, Deborah A. Clark and Barbara Ducharme as Matrons in the Police Department, as recommended by the Chief.

The Board then discussed the **fee** for the **billiard parlor** "Pockets", at 313 Littleton Road. Mr. Lynch said we did a survey, since we have no fee set since 1976. We found that Woburn charges $20 for the first table, and $10 for each additional table, and Leominster and Peabody charge $30 for the first table and $15 for each additional.
Motion by Miss Towle to charge $30 for the first, $15 for each additional. Motion seconded by Mr. Blomgren for discussion. He said that he feels this could be a high fee for them as they are just starting the business and moved that we charge them $5 per table this year, and consider going to $10 per table when they renew for the second year. Motion was seconded by Mr. Ready, unanimous.

The **Roadside Vendor's license application** received from Catherine Gabriel to have an ice cream truck at **Varney Playground.** Mrs. Gabriel was not present. Mr. Blomgren said that Mr. Lynch had researched last year's policy on these licenses and found that the Board can deny them for reasons of health and safety. He felt we should ask the Park Department and Varney Playground Commission before granting any license at Varney Playground. Mr. Emerson recommended denying the license tonight because of all the problems we had at Varney Playground last summer, and Mr. Johnson agreed that this is a sensitive area.
Motion by Mr. Emerson, seconded by Mr. Blomgren, unan. to deny the application.

The Board then held **Public Hearings on pole petitions**
Robert Ogden, **Massachusetts Electric Company**, petitioned to install pole 13 1/2 on **Billerica Road** for an additional feeder to Apollo. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Ed Shanley, **New England Telephone Company**, presented several petitions. **Drum Hill Road** - Mr. Shanley said they want to lay buried conduit under Drum Hill Road, Parkhurst Road and Westford Street to enlarge the service area connector box to give better service to the area. Motion by Miss Towle, seconded by Mr.

Ready, unan. to approve.

School Committee member Samuel Poulten arrived and the School Committee concluded their business. Mrs. Merriam moved to endorse turning the Center School property over to the Board of Selectmen, seconded by Mrs. Marcks. Mr. Poulten amended the motion to state that the School Committee agrees to transfer the care, custody and management of the Center School to the Board, and wants to add to the letter of Agreement "at present" after "no longer requires". Vote on the motion was unanimously in favor.
Mrs. Ward then said that the School Committee needs to amend the FY90 budget. Motion by Mrs. Marcks, seconded by Mrs. Marcks, unanimous, to add federal Chapter 874 money in the amount of $10,000 to the budget so they can expend it.

School Committee members then left, and Mr. Shanley continued with the pole petitions.
Turnpike Road - there is an unoccupied piece of conduit to serve 200 Turnpike Road. New England Telephone now wants to occupy the conduit. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Chelmsford Street - they need to activate cables now in the existing manhole, and want to move the cable 40 feet underground and activate. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Wightman Street - the property owner wants the pole moved 15 feet so he can enlarge his driveway. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
On each of the pole petitions Mr. Johnson asked if there was anyone present to speak in favor of or opposition to the petition, and no one wished to speak on any of the petitions.

The Board had received several petitions from New England Telephone that do not require a public hearing. Mr. Lynch said that these are all sewer related. Mr. Shanley said he knows nothing about them, and Mr. Johnson said he wants a representative from New England Telephone present so we will know what we're voting on.

Mr. Johnson asked Attorney Horton to discuss the Douglas Road Extension discontinuance. Mr. Horton said he fears that the slope creates a liability to the Town re maintenance, etc. Mr. Johnson said that the matter is still in litigation and he does not want the Board to take action. Mr. Emerson said we have received a history of this from Town Counsel and he thinks we should wait for litigation to be over. Motion by Miss Towle, seconded by Mr. Redy, unan. to move to dismiss Article 26 because of pending litigation.

In response to a press question, Mr. Johnson said that the article to ban new automatic amusement devices will not effect the 7 licenses currently issued.

At 7:25 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to Executive Session to discuss strategy with regard to Collective Bargaining. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye.

For the Board of Selectmen, by

Judith E. Carter

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MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, **May 22, 1989. Members present** were: Mr. Johnson, Miss Towle, Mr. Ready and Mr. Emerson. Mr. Blomgren was away on business. Bernard Lynch, Executive Secretary, was also present.

During the **Open Session**, Board members were assigned as liaisons to other boards, departments and commissions, and also signed the lease of the Center School to the Lighthouse School.

Chairman Johnson **called the meeting to order** at 7:30 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve the minutes** of the meetings of **April 24 and May 1**, both **Regular and Executive Sessions.** Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the minutes of the **Work Session on April 18.** Miss Towle abstained from voting because she was not present at the Work Session.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **proclaim June 7, 8 and 9 as Jail and Bail Days**, to benefit the cancer society.
Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim May 16, 1989 as **Louise M. Harrington Day**, in honor of her eightieth birthday.

A hearing on an **application for a Roadside Vendor's license** was on the agenda for Philip Roy and Robert Merrill to sell hotdogs at Roberts Field. They were not present at this time and Miss Towle said she wants to wait 15 minutes before discussing this. Mr. Johnson commented that the Board has a policy of not issuing new licenses of this type.

Ms. Ward from Mass. Electric Company, was present with a **petition to relocate pole #20, Groton Road**, to move it 40 feet away from the entrance to the new Senior Center. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

The Board then met with **Barry Balan, Chairman of the Town Manager Screening Committee.** He thanked the Board for his appointment to the Committee, and said that they have already met twice. They have set up two sub-groups - one on criteria, and one on benefits. The Town Manager position has been advertised in the ICMA Newsletter, Mass. Municipal Association Beacon and the Boston Sunday Globe. Mr. Balan had checked the ad with Mr. Johnson before running it. The sub-committee is going to prepare a benefit package which will be presented to the Board prior to the interviews. Mr. Balan then asked the Board about out of town candidates, more than one day's drive - will the Board give the Committee an allowance to reimburse these people? Mr. Johnson said we have no money for this. Mr. Balan said that in the first

round of interviews they will interview not more than 10 applicants and after the second round they will have not more than 5 applicants to recommend to the Board. He added that the Committee wants the latitude to bring in people who live more than a day's drive away. Mr. Emerson suggested that they hold off for now, and wait until the second or third interview, if needed. Mr. Balan said again that they want something in place so that they could have someone from out of state for an interview. Miss Towle commented that in the private sector they call references before they interview a candidate. Mr. Balan said that the Committee has opened up the doors for anyone to apply, and they may have 2 or 3 candidates from out of state that they will want to interview. Mr. Johnson said we could always get an emergency transfer if the whole Committee feels strongly about a candidate. Mr. Ready asked when will they have the candidates, and Mr. Balan said that June 30 is the deadline for submitting resumes, they will then go through the resumes and pick the applicants they want to interview. They will present the final candidates to the Board by August 24. The Committee sent 156 letters to other communities asking for their criteria in choosing a Town Manager, and have received 75 responses.

Assessors Diane Phillips and Dick Tevlin were present to discuss the tax rate and property evaluations with the Board. Mr. Johnson commented that people were surprised with their tax bills. Ms. Phillips said that valuations are as of January 1, 1988, based on 1987 sales. The market has since flattened out. The State allows a Town to be 10% over or under 100% valuation, and they have kept Chelmford's at about 95%. Mr. Emerson said that if there is anyone watching the meeting who wants to appeal their bill, they should go to the Assessors office. Ms. Phillips said that residents have until June 12 to file a request for over valuation, but the tax bill must be paid by then, and the Board of Assessors has 90 days to respond to the request. Mr. Ready asked how much impact sewering has on the tax rate, and Ms. Phillips said very little this year but next year we will begin to see the effects of both sewering and the Senior Center bonds. Mr. Ready asked if they can put a breakdown of the tax rate on the bill, and Ms. Phillips said they are limited by State law as to what they can put on the bills. Ms. Phillips stated that land values went up 2 1/2 - 3 times over 1986, and that by State law we have to re-evaluate every three years but we can do it more often if that is what the Board and/or the Town wants. Mr. Emerson asked if a lot of owners of vacant buildings filed for abatements, and Ms. Phillips said no. Dr. Martin Gruber asked why land with condominium buildings is taxed at 0, and she said that they can't show land value on a condo under state law. They just value the buildings higher, at market value, and Ms. Phillips said the value of the land is based on the site index, on a scale of 1 to 8. Most commercial properties are at 5. Mr.

Lynch commented that many people have called the Selectmen's office asking if assessments are higher to bail out the Town. Ms. Phillips said no, only under 2 1/2%.

Under Reports, Mr. Ready said that he had presented Bob Noy's proclamation to him, and that his retirement party was very successful.

Mr. Emerson reported that Cable 43 did a documentary on trash and recycling which was submitted to national competition and was one of the top 3 out of 1800 entries. He said the Board should be very proud of them. Motion by Mr. Ready, seconded by Miss Towle, unan. to send a letter of congratulations to Channel 43 and Barbara Scavezze.

Mr. Johnson reported that we have received a letter from Marie Decker, Westland Avenue, praising the 911 program, which helped her in an emergency.
He reported that on the matter of property upkeep, CVS on Chelmsford Street had promised an elaborate landscaping scheme, and have not followed through on it and he would like to send them another strong letter. Motion by Miss Towle, seconded by Mr. Ready, unan. to do so.
He reported on the Senior Center, saying that the interior colors and tile have been picked. They are running right on schedule, if not actually a little ahead, and the center will be completed on time.
Mr. Johnson reported that we have received correspondence from Rep. Carol Cleven, and there seems to be some misunderstanding re Lamplighter Green. The State is construing a letter sent by the Board as a positive endorsement of the project, which was not the vote of the Board. He would like the letter redrafted stating positively that the Board does not endorse the project. Miss Towle said she has had many calls on this matter. Mr. Ready said that as author of the original letter he does not want it retracted, but redrafted. Mr. Johnson said that it was an excellent letter, that he never had a chance to review it as a Board member, but that the Board had voted to oppose the project and the letter was misconstrued. Mr. Ready said that the letter was sent before the Board voted, and that it stated that there were too many contingencies for the Board to endorse the project, and that the letter was in answer to questions sent to him as chairman.
Mr. Lynch said that he has drafted a new letter and maybe the entire Board should sign it.
Mr. Emerson said it appears that other letters in opposition have been ignored, and he thinks we should talk with Special Counsel Arnold. He asked Mr. Lynch if the Affordable Housing Review Committee got an opinion from the Conservation Commission, and was told that they never received a direct opinion but a Conservation Commission member is a member of the AHRC and they

listed obtaining an Order of Conditions as one of the contingencies. Mr. Emerson stated that he thinks we should ask for a formal report, and Mr. Lynch said we will do that, and that we also have correspondence from their engineer. Mr. Emerson asked that we get the minutes from their meeting when they discussed it, that we need something in black and white.
Mr. Johnson said that a misleading letter from the AHRC was sent, and it appears that the State is looking at older letters. He wants the AHRC to meet again and review their letter sent to the State in January, 1988.
Motion by Mr. Emerson, seconded by Miss Towle, unan. to set up a special meeting as soon as possible with Attorney Arnold to review the situation. Mr. Johnson suggested that we also invite members from the AHRC and the Board of Appeals.
Mr. Lynch told the Board that we have another option - that we have received a letter from Lamplighter Green's attornies and he would suggest that the Board sit with them and also people from the State HOP office. Motion by Miss Towle, seconded by Mr. Ready, unan. to authorize Mr. Lynch to set up this meeting.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Deputy Constables as recommended by Constable William Spence.

Motion by Miss Towle, seconded by Mr. Ready, unan. to issue a 1-day Auctioneer's license to I. Fred Koffman for May 26.

Under **New Business**, Miss Towle asked Mr.Lynch to schedule a Work Session to review the Public Safety Study, that there is an error in the report of the 2 largest employers in Town.
She said that she has received complaints about the condition of the tennis courts at McCarthy Middle School, and moved, seconded by Mr. Ready, unan. to send a letter to the Recreation Commission and the School Committee.

The Roadside Vendor's License applied for by Philip Roy and Robert Merrill was discussed. The applicants were still not present. Motion by Miss Towle, seconded by Mr. Ready, unan. to deny.
Motion by Mr. Ready, seconded by Miss Towle, unan. to instruct the Executive Secretary to inform any applicants who are not renewals that the Board has been denying new Roadside Vendor's licenses.

Mr. Ready announced that the Memorial Day Parade is being held in North Chelmsford at 10:00 am on Monday, May 29.

The press asked what's wrong with roadside vendors, and Mr. Johnson said the Board feels that they are in conflict with established businesses, although the Board has been voting on them case by case.

At 8:30 p.m. motion by Miss Towle, seconded by Mr. Ready, unan. to adjourn to Executive Session to discuss collective bargaining.

Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Johnson-Aye. Mr. Johnson announced that the Board would not be returning to Open Session.

For the Board of Selectmen, by

Edith C. Carter

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MARIE S. LAMARE
TOWN CLERK

Regular meeting of the **Board of Selectmen** held Monday, **June 5, 1989. Members present** were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

At 7:00 pm Mr. Johnson opened the **Open Session** of the meeting, stating that we had invited reps from the State HOP, our Special Counsel Tom Arnold and Telamos, Inc. and their counsel to have a discussion of the **Lamplighter** Green affordable housing proposal. Telamos and their attorney were not able to attend as they had a prior commitment. Mr. Johnson said the purpose of tonight's meeting is to receive further clarification from our counsel.

Atty. Arnold said that we have finished with Telamos' appeal to the Housing Appeals Committee and don't expect a decision for 2 - 3 months, and there is some dispute about the Town's testimony. The Town's primary reason for not supporting the Lamplighter Green proposal is the potential impact of the development on the Town's water wells. He showed the site on a map. George Allen of Dufresne and Henry pointed out a potential 3rd well - Meadowbrook 3. The significance of Crooked Spring wells 1 and 2 is that they supply app. 15% of the water to the Center Water District, and Meadowbrook well #3 is the only known additional source.

Mr. Arnold referenced Atty. Frank Capezzera's letter of May 22, which indicated that the Town should negotiate with the developer. Mr. Arnold went through the transcript of the hearing before the Housing Appeals Committee, noting that the developer's expert testified that the flow of groundwater is to the West, not South, as previously thought. A leak in the septage holding tank would flow to the west, and their expert was not aware of Meadowbrook Well #3. Mr. Allen felt that Telamos had done insufficient studies on the site. Scott Horsley, Town-hired engineer, testified that the development would pose a serious risk to the water supply and the project should not be built. The Telamos expert said the exact opposite.

Mr. Arnold then said he would take general questions. Mr. Ready asked the status of the project, and what is the State doing. Mr. Arnold said the evidentiary hearings are completed, and they are waiting for the HAC to make a decision. Mr. Lynch, Dan Burke and George Allen testified, and the Town's position was made clear.

Rep. Carol Cleven was present and said that there are 2 groups working: one on funding by the State and one (HAC) on approval of the plan. She said that she had met with Kate Racer of the Mass. Housing Partnership, and she indicated that they didn't have letters from the Town opposing the development. Ms. Racer

didn't have a copy of the latest letter in opposition signed by the Board. Mr. Arnold said the State has to make 2 decisions: 1. the HAC has to decide whether or not to issue a comprehensive permit and 2. HOP has to decide whether or not to fund Lamplighter Green. This will depend on local support, and if the Board of Selectmen supports the project, or not. Mrs. Cleven stated that the Appeals Commission will be made by the end of June. As for funding, if the project had the support of the Affordable Housing Review Committee it could be funded; if not, they would have to wait for the next round of funding. Mrs. Cleven said that if the funding is given, the project would still have to be approved by the Mass. Environmental Protection Agency (MEPA). Mr. Emerson asked if the Town's reports include a recommendation of the Conservation Commission, and if not, would this bear some weight. Mr. Arnold said no, this is a separate issue and comes under the Wetlands Protection Act. Mr. Emerson noted that Telamos has a hearing with the Conservation Commission on Tuesday, and that their decision will be very important. Mr. Blomgren asked Mrs. Cleven if there is anything more the Board can do, and she said No, that the letter from the Board last week was very clear, as was the letter from Bernie Lynch for the Affordable Housing Review Committee. Mr. Blomgren asked if there is a second letter, and Mr. Lynch said he finds 6 letters sent to the MHP opposing the project, and 3 letters to them with limited endorsement - he feels that these may look like an endorsement when in fact they were not voted by the Board.
Mr. Lynch continued that the last 2 letters - one from the Board and one from the AHRC state the Town's position clearly, and he recommends that he and Mr. Johnson go to see Secretary Anthony, Joe Flatley and Kate Racer. Motion by Miss Towle, seconded by Mr. Emerson, unan. to have them do this.

Thomas Welch, 56 Crooked Spring Road, then addressed the Board. He said that he and the other neighbors want to recognize Rep. Cleven's hard work on behalf of the Town in opposing the Lamplighter Green proposal. He said he was surprised to hear of a third letter dated December 5, 1988, to the Housing Opportunity Program, signed by Dennis Ready, Chairman. Mr. Johnson read the letter. The letter stated that the Town supports the HOP program, that he as a member of the AHRC supported the Lamplighter Green project but the Board of Selectmen did not support the project. Mr. Ready said he doesn't want the Town of Chelmsford to be considered a "snob town". Mr. Welch said that letters of these types, both written by Mr. Ready, have led the State to believe that the Town supports the project, and he feels Mr. Ready should personally write to the State to set the record straight. Mr. Ready asnwered that we have sent many letters signed by him as Chairman, and if he sent a personal letter, he would state that he supports affordable housing. Mr. Welch said that Attorney Arnold has represented the Town well, and although

not one Board or Commission has approved this project, the State still sees support for the developer. He added that Mr. Ready's letters led the State to believe that the Town supported the project but that the letters of May 23 and 24 clarify the Town's position. Mr. Welch concluded that the opposition to this development will continue to grow, and the only way to protect the wells is to prevent high density development. He asked everyone present to come back on June 19, and also go to the Conservation Commission meeting tomorrow night, and to call state officials.

Mr. Johnson said that he would take comments from the general public. Joseph B. Shanahan, Jr. spoke, stating that he is a principal in the Commons Realty Trust and they have been "competing" with Telamos. He wants to set the record straight regarding Mr. Ready - Mr. Shanahan has been intimately involved with the AHRC on all levels, and Mr. Ready has been honest and open minded as an AHRC member. He has always evaluated each application objectively. The AHRC also supported his Concord Road proposal, but this was voted against by the Board of Selectmen, including Mr. Ready. Mr. Ready as Chairman of the Board has written letters supporting affordable housing but against great density. Mr. Ready's letter was what he should have done on behalf of the Town, and the only way it could have been done.
Elaine Marsella, 12 Maynard Circle, a non-voting member of the AHRC, said the unfortunate word in the letter was the word "approved", and not considering the list of contingencies. The State needs to know that this was not an endorsement of the project.

Mr. Johnson said that on June 19 we are asking the State and Telamos, Inc. to attend the BOS meeting at 7:00 pm for further discussion of Lamplighter Green.

Chairman Johnson called the regular meeting to order at 8:00 pm.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim June 14, 1989 as National Flag Day.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of the meeting of May 22, 1989, Regular and Executive.

George Gagan, New England Telephone Company, was present with joint pole petitions. The first petition was to place 5 new poles and remove 1 pole on Sheila Avenue to serve the new Senior Center and elderly housing complex. Joyce Desmond, 3 Sheila Avenue, requested that no streetlight be on Pole 2, as it is right in front of their bedroom. Mr. Gagan commented that New England Telephone does not place streetlights - Mass. Electric

does. Motion by Mr. Ready, seconded by Miss Towle, unan. to remove the streetlight from Pole 2 to another pole where bedrooms are not affected, and to approve the petition.
The second petition was a joint petition to place one pole on Dalton Road, opposite Juniper Street. This would be a stub pole to offset the tension on the cables on Juniper Street. Mr. Johnson asked if there is any alternative to stub poles, that they're not attractive. Mr. Gagan said that this is proper enineering procedure. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve this petition. Mr. Ready said that when he was working with Citizens for a Cleaner Chelmsford, he noticed that when new poles were put in, a lot of litter was left by the installers, and he asked that the telephone company clean up better.
Mr. Gagan then petitioned the Board to **approve "Formerly Private Ways Made Public"** - Autumn Lane, Worthen Street, Higate Road, Holmes Street, Perley Avenue and Omega Circle. Mr. Gagan explained that these streets all were formerly private ways and have been recently accepted by the Town - all the work has been completed. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

The Board then met with **Betty Francis, DPW Commissioner.** Ms. Francis said that there was a tragedy at one of the **rest areas on Route 3** last year, and the Board had requested the DPW to have the areas closed. She met with Mr. Lynch and Mr. Blomgren, and then went to visit the north and southbound areas on Route 3. They will be closing off the area to parking unattended vehicles with jersey barriers, and showed the Board 2 signs that will be used - "Live Parking Only" and "No Trespassing". Mr. Johnson commended Mr. Blomgren for his work on this. Ms. Francis continued that the jersey barriers and the snow fence will be there until the chain link fence is erected, and said that this is a sort of pilot program, that this is not a widespread problem in the State, and they need to leave some sort of rest area on Route 3. Ms. Francis asked the Board to please let her know if this solution doesn't work, and Mr. Blomgren thanked her for all her help.

Mike Kinney and Paul Villare met with the Board to update them on the progress of the **Veterans' Memorial Park Committee.** Mr. Kinney said they are seeking the Board's endorsement to build the part in the right side corner of the Little League ballfield. He showed a drawing of the proposed memorial, and said it will honor veterans from Chelmsford in all wars - World Wars I and II, Korea and Vietnam. A local sculptor and architect Steve Wojcik will design the bronze statue and the plaques. Board members congratulated Mr. Kinney and the committee on their hard work and dedication. Motion by Miss Towle, seconded by Mr. Ready, unan.

to approve the site and endorse the project.

Attorney **Joseph B. Shanahan, Jr.** then addressed the Board, stating that he wants to seek the licensing of Marty's Rooming House, **146 Tyngsboro Road**, as a **lodging house.** His client Jared Finnegan has a Purchase and Sales Agreement on the property, which has been a boarding house for many years but never had a license. The Board of Health and Building Inspector have issued Certificates of Occupancy for as long as the business has been there. The property was inspected today by the Fire Department, and the Building Inspector has sent a letter of approval for zoning. Mr. Shanahan outlined Mr. Finnegan's background to the Board, and said that he would settle for a license for 14 occupants for the entire building. Motion by Miss Towle, seconded byMr. Ready, unan. to grant a lodging house license for 14 persons at 146 Tynsboro Road.

Bill Logan, Chairman of the Traffic and Safety Committee, brought the Board up to date on the **Ericksen's Corner 4-way Stop.** He said that two months ago the Committee asked to install 4-way stop signs at this location for a 60-day trial period. The 60 days was up on May 17, and the Committee voted 7 - 0 to ask the Board to make the signs permanent. There have been only 2 accidents in the past 2 months, and safety is more important than a fast flow of traffic. This is not the best permanent solution but the Committee wants to keep it in place until we get something better. They are meeting on June 21 to look at a Master
Plan designed by the Town Engineer. Mr. Johnson said he agrees that the key word is safety. Motion by Mr. Ready, seconded by Miss Towle, unan. to endorse making the 4-way stop permanent. Mr. Logan added that the overhead light will be moved to shine in the new crosswalk, and new paint will be put on.

Under **Reports**, Mr. Ready asked that the Bentley Lane street sign be replaced.

Mr. Lynch reported that the AHRC met last week with Ray Carye, who is proposing a large HOP project on Groton Road. The Committee will continue to meet with him over the next several months.
He also reported that the Board of Health is looking into doing mosquito spraying in Town, and that the approximate price is $35,000.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to renew the Roadside Vendor's License for Sandra Hone to sell hotdogs at the Common.

Motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Frank Lane as Civilian Dispatcher in the Police Department.

The Board then made annual appointments to Boards, Commissions and Committees.

Capital Planning: move to re-appoint Leonard Richards and Conrad Stone. Motion by BAT, second DJR, unan.

Conservation Commission: motion by BAT, second by DJR, to re-appoint Karen Flynn and James McBride. Motion by BOE to place David McLachlan's name in nomination, seconded by RAB. BAT said she has received more phone calls on this appointment than any previous appointment, and that people either love or hate Mr. McBride. Everyone who called said he has great knowledge of the Wetlands Protection Act, even though he can be unprofessional and gruff. She said she would vote for him but warned him to "be good or be gone", that he must show respect and courtesy. She added that she would like to appoint Mr. McLachlan to take Mrs. Hass's place when she resigns the end of August. Vote was as follows: BAT-Flynn and McBride; DJR-Flynn and McBride; BOE-Flynn and McLachlan; RAB-Flynn and McLachlan; HRJ-Flynn and McBride.

Historic District Commission: motion by BAT, second DJR, unan. to re-appoint as listed.

Commission on Handicapped Affairs: motion by BAT, second DJR, unan. to re-appoint as listed.

Council on Aging: motion by BAT, second DJR, unan. to re-appoint as listed.

Traffic and Safety Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Veterans' Emergency Fund Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Home Rule Advisory Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Industrial Development Financing Authority: motion by BAT, second DJR, unan. to re-appoint as listed.

CATV Commission: motion by BAT, second DJR, unan. to re-appoint as listed.

Rent Control Board: motion by BAT, second DJR, unan. to re-appoint as listed.

Middlesex Canal Commision: motion by BAT, second DJR, unan. to re-appoint as listed.

Civil Defense Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Holiday Decorating Committee: motion by BAT, second BOE, unan. to appoint Patricia Saber, 5 Clarissa Road, and Donna Johnson, 71 Princeton Street.

Insurance Advisory Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Memorial Day Committee: motion by BAT, second DJR, unan. to re-appoint as listed.

Northern Middlesex Area Commission: motion by BAT, second DJR, unan. to re-appoint as listed.

Recreation Commission: motion by RAB, second BAT, unan. to appoint Dennis Sullivan, 27 Lovett Lane, and to re-appoint other members as listed.
Sign Advisory Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Town Celebrations Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Committee to Update Town History: motion by BAT, second DJR, unan. to re-appoint as listed.
Board of Appeals: motion by BAT, second DJR, unan. to re-appoint as listed.
Local Emergency Planning Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Affordable Housing Master Plan Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Bandstand Committee: motion by BAT, second DJR, unan. to appoint John G. Harrington, B. Anne Arenstan, Peter Sexauer and Mary A. Donovan, and to re-appoint other members as listed.
Bike Trail Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Community Teamwork Board: motion by BAT, second DJR, unan. to re-appoint Martin Walsh.
Cultural Council: motion by BAT, second DJR, unan. to re-appoint Bette Lee Gagnon and Eric Hoover, and to appoint Joyce D. McKenzie, 1 Whippletree Road, Evelyn L. Newman, 7 Northgate Road, and Jeffrey A. Brem, 20 Subway Avenue.
Great Brook State Farm Advisory Committee: motion by BAT, second DJR, unan. to re-appoint Bruce S. Gullion.
Chelmsford Historical Commission: motion by BAT, second DJR, unan. to appoint Jeffrey A. Brem, 20 Subway Avenue.
Industrial Development Commission: motion by BAT, second DJR, unan. to re-appoint as listed.
Mass. Bituminous Advisory Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Merrimack Valley Health Planning Council: motion by BAT, second DJR, unan. to re-appoint Martin Walsh.
Trash Advisory Committee: motion by BAT, second DJR, unan. to re-appoint as listed.
Chelmsford Reps. To SHARE: motion by BAT, second DJR, unan. to re-appoint as listed.
Mr. Blomgren asked that the press publicize committees with vacancies.

Under **New Business** Miss Towle said that the Board had promised signage and rip rap at Freeman Lake. Mr. Lynch said we are working with the Sewer Commission on the rip rap, and with Police and Recreation on the signage.

Miss Towle moved, seconded by Mr. Ready, unan. to ask reps of the Boy Scouts to the next meeting to disuss the East School - they had promised to have it painted by June.

Motion by Miss Towle, seconded by Mr. Ready, unan. to ask the Building Inspector to check an alleged zoning violation across from 75 Gorham Street.

Mr. Emerson asked Mr. Lynch to get a report on the new unregistered vehicle by-law.

Mr. Emerson noted that cable TV rates are much lower than ours in other areas, and moved, seconded by Miss Towle, unan. to ask our CATV Commission to check into this.

Mr. Emerson commented on the sewer project in North Chelmsford, noting that all streets have been repaved except Brouilette Street and Wight Street. Brouilette Street basically is served by Lowell but the residents want re-paving. Mr. Lynch said the steet is not on the five year list for re-paving but he and Mike Crory would recommend oiling and stoning it. A letter will be sent to the Sewer Commission.

Mr. Blomgren asked to have reps from UPS come to the next meeting to explain what they are doing to control spillage and leaking. Mr. Lynch said he will also ask the Emergency Management Committee to attend.

Mr. Blomgren asked about the Center School. Mr. Lynch said that Children's Discovery lease lets them stay through October, but there are stiff fines after August 1. They and the Lighthouse School are working together to try to co-exist in the building. Motion by Mr. Blomgren, seconded by Miss Towle, unan. to have both parties in to the next meeting.

Motion by Mr. Blomgren, seconded by Miss Towle, unan. to send a note to the DPW thanking them for their prompt response on the Route 3 rest area matter.

Mr. Emerson read a statement explaining his vote against Mr. McBride.

Rep. Cleven said she is glad to see the Board taking some action on Brouilette Street. She then asked about handicapped accessibility in Chelmsford Center - are there any plans for curb cuts, etc. Mr. Lynch said we are working with the Chelmsford Commission on Handicapped Affairs.

At 9:15 p.m. motion by Miss Towle, seconded by Mr. Ready, to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Monday, June 19, 1989. Members present were; Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

At 7:00 p.m. Chairman Johnson said that the Board is continuing its June 5th discussion of the proposed Lamplighter Green affordable housing project. The developers, Telamos, Inc. were not present on the 5th and their attorney Frank Capezzera wants to address the Board. He had implied in a letter dated May 23rd that the Board didn't have all the information on Lamplighter Green. Mr. Johnson introduced Kate Racer, Director of the Homeownership Opportunity Program (HOP).

Mr. Capezzera introduced Arthur Baxter, Samuel Poulten and Peter Trivers, principals in Telamos, Inc. He stated that it had come to his attention several weeks ago that the Board was considering a discussion of Lamplighter Green and he wanted any means to renew communications with the Town. Their goal is to create decent, safe affordable housing. Mr. Capezzera said he wrote to Bernie Lynch, and had heard that the Town felt that he hadn't tried to contact the Town - Board of Appeals, etc. He felt that communications from the Town seemed to reflect an approach not focused on facts and said it is our job to find the true facts and present them. The letter from the Board dated May 23 and the letter from Bernie Lynch dated May 24 opposing Lamplighter Green made him puzzled as to why they were invited to attend the meeting. He stated that he has watched environmental concerns and worked with them for 15 years.
Mr. Capezzera said that for the Town to work with the Housing Partnership they must review all proposals in the same manner. He said that he feels that other Boards were not very thorough in their communications to the Board of Appeals, that they never asked Telamos for more information, and it was not constructive communication. They met with the Affordable Housing Review Committee often, and have gone from 189 units to 149. They came to the Board of Selectmen after agreeing to the AHRC conditions and wrote to the Board twice about applying for a CDAG grant. The Chairman commented that he had never seen so many conditions attached to an application.
Mr. Capezzera then told the Board what Telamos has done since March, 1988: pursued the installation of monitoring wells and more information about the site. They had assumed the site was

sand and gravel, but 30 feet down found glacial till. The contribution of water to the wells is less than 1%, and the water comes from the acquifer, not the glacial till. During their meetings with the Housing Appeals Committee it was a concern of theirs that no one followed up on their information. The BSC group never filed a report, and the Town's consultant had first worked with Telamos. On the matter of the holding tank, it was first assumed that the Richardson Road sewers could take in

Lamplighter Green, but then the Sewer Commission said only in non-peak hours and suggested a holding tank. He said Telamos has proven that that is not a problem, but some officials don't agree. He feels their project should have been judged by the same standards applied to others. He asked if the Board is aware of holding tanks in Town near the wells, and added that the Town has a pumping station in Richadson Road near the North wells, the apartments on Richardson Road have septic systems that are not adequate, in Hitchin'Post there are 5 underground tanks serving 80 units, on Brick Kiln Road UPS has a 15,000 gallon tank only 800 feet from wells, Tambone has an 80,000 gallon tank 1700 feet from a well, and they have checked the Center District wells and 66 homes around the proposed site and found that there is 7,900,000 gallons of effluent, and the water is still potable. Mr. Capezzera contended that if the Board has no rational interaction with Telamos, it sets an adversarial tone for all the other Boards. It upsets him when people say he is not fair (referred to Tom Welch and Bernie Lynch). AS far as the process goes, they have finished with the Housing Appeals Committee and are waiting for their decisin, filed a draft EIR with MEPA and have received a Certificate of Appropriateness. He commented that Meadowbrook Well #3 is 400 feet from Route 3 and close to Stoney Brook, and not approved by DEQE. They saw no local concern early on - no risk from Lamplighter Green, but a risk from the environment. He said this is a great site for affordable housing - near schools and recreation areas, and physically isolated from subdivision neighborhoods. Mr. Capezzera again said he feels that their treatment has not been fair, that they have addressed local regulatory concerns and gone beyond what anyone else has done in this Town. He referenced a memorandum from DEQE to MEPA and said it had some erroneous conclusions which they responded to. He suggested that the Board should communicate with municipal officials to spend more time reviewing the detailed reports submitted by Telamos. Mr. CApezzera said he believes this will always be an affordable housing site, and wants to know if the Board of Selectmen is capable of supporting this development.

At 7:45 p.m. Mr. Johnson recessed the discussion. Motion by Miss Towle, seconded by Mr. Ready, uann. to convene the advertised Public Hearing on the application of "Pockets" for a Common Victualer license for a snack bar. Motion by Miss Towle, seconded by Mr. Ready, unan. to recess the hearing.

Atty. Capezzera concluded his remarks by stating that Telamos is also concerned with the environmental impact of Lamplighter Green and are preparing a final EIR with more data. They would be glad to sit one on one with any local official or consultant. Their challenge to the Board is - can they be treated like other developers in Town.

Mr. Johnson then asked for questions from Board members. Miss Towle said to Mr. Capezzera that she resents him telling the Board what they ought to do , and how does he think the Board could get other Boards and committees to all vote against Telamos. Mr. CApezzera said it is the tone of the Board. Mr. Johnson told him that other affordable housing projects have come before the Board, that 7 projects were appointed were presented to the Master Plan Advisory Committee and only 4 were approved. He said that the Board has not singled out this project - that they also had concerns with the Conc ord Road

proposal. Mr. Capezzera said he is asking that other municipal officials look at the new data. Mr. Ready said that as a Town we support affordable housing and that the HOP program is most suitable to our requirements. He said that the concern over anyproposals by Town Boards is environmental. Mr. Lynch added that we did not take BSC to the Housing Appeals Committee, but another individual. Several consultants and DEQE all have environmental concerns. Mr. Ready asked Mr. Capezzera what he is trying to prove now, and he said the HAC has basic concerns about the holding tank and the storm water run-off , and Telamos can't provide an absolute zero risk situation. He said they are still going forward, but willing to talk at any time. Sam Poulten, a principal in Telamos, said he has lived at 16 Berkley Drive for 9 years and plans to drink Chelmsford water 9 years from now, and let MEPA and DEQE decide.

Mr. Emerson commented that there is a report that he has not seen - recommendations from the Town Engineer. Mr. Lynch said there are 2 reports - one to AHRC and 1 on the EIR draft, and he has issued numerous concerns.

Mr. Blomgren said to Mr. Capezzera that he had said they are going forward, and he said that he is very supportive of autonomy, but we have to listen to the community. The Board acted responsibly in support of affordable housing and also in the area of environmental concerns, and we must listen to the community. Mr. Lynch said he wants to see DEQE comments and public comments on the EIR, and Mr. Capezzera said he will Fax them to him. Attorney Arnold said that Mr. Capezzera is raising issues at 2 different levels - one is a process issue, which the Boards haven't taken the time to understand. Mr. CApezzera has said that the real problem is the holding tank, but Scott Horsley testified that he has concerns about contamination from fertilizers and hazardous waste on the site, and there is a real disagreement between the experts.

Daniel Burke, Chairman Board of Appeals, stated that after 7

months of being "non-cooperative", his Board reached 3 conclusions: 1. the number of units exceeded HOP guidelines for funding; 2. they are concerned about app. 1,000 - 1100 auto trips per day and the proximity to 3 schools; 3. potential contamination of the well fields. His Board cannot support a dvelopment of this magnitude on this site.

Mr. Blomgren said that Mr. Capezzera implied that the Board of Appeals doesn't do their homework and that they don't treat all proposals equally. Mr. Burke answered that they try to do their homework and that they try to treat all proposals

equally. Mr. Burke said that the Board tries to do their homework and treat all proposals equally. They are acting under Chapter 40B, almost like the Board of Health and will approve of projects in the right places even with neighborhood opposition.
Thomas Welch, 56 Crooked Spring Road, said he has concerns about the water supply, and has petitions with signatures of 1200 people who are also concerned about the effects of Lamplighter Green on the environment. They all support affordable housing but not this site. He quoted from the DEQE report. As far as applying for CDAG funding, the developer implied that Maynard Circle and Penni Lane would pay for tying in. He added that the Carlos Quintal letter referred to was obsolete over a year ago, and that he was threatened by Peter Trivers 18 months ago in front of 25 people.
Mr. Capezzera then contended that Mr. Welch has taken out of context what Telamos has done and said. As far as the input from Mr. Quintal, they were asked to obtain his input by the AHRC. He raised questions under the Wetlands Protection Act and said the site was going to be sewered. The DEQE comments about larger holding tanks were taken out of context and the DEQE letter from Sabin Lord raised the issue of the pumping station. The purpose of the CDAG proposal was to accelerate the line on Richardson Road, but the opportunity has passed. He said they never presented any facts to deceive. Mr. Capezzera said that Mr. Welch has taken facts from 2 reports out of context to show that the wells are threatened.
Roger Mann, 3 Courtland Drive, a Center Dsitrict Water Commissioner, said there are 5 wells in the area that are known, and that the 4 North Chelmsford wells are all that district has. The Center District has 17 wells, and Crooked Spring wells 1 and 2 provide 14% of the water to the Center District.
Samuel Brink, Clarissa Road, read a statement saying that he supports long range planning for affordable housing.
Andrew Holleman read a letter from the Audubon Society stating that it costs less to prevent pollution than to clean it up.
Mr. Welch then said he is challenging the developers to work with the Board of Selectmen and to come up with 18 - 20 units for that site.
Mr. Capezzera responded that they're prepared to produce affordable housing on this site but the cost is such that 18 units wouldn,t work, and they will meet 1 on 1 or 2 on 2 to discuss any ideas.
Mr. Johnson said that the Board endorses affordable housing wholeheartedly and jumped at the opportunity to form a partnership with the State so we could have the right to have input on affordable housing.
Rep. Carol Cleven asked if we could have come input from the State, and Joseph Flatley, Mass. Housing Partnership, said that it has been interesting to hear all this, that the State has a good working relationship with the Town, with almost daily communication and thinks the Town is raising serious concerns.

The State wants to see affordable housing. There are a number of steps to be taken at the State level - the Housing Appeals Committee is a quasi-judicial committee, the project must comply with MEPA before the MHP will consider funding it, and there must be a permitting decision before DEQE. Before funding, he wants to see the issues resolved, and hopes to continue the State's partnership with the Town in an open and honest manner.
Mr. Blomgren said he had heard a rumor that money had been encumbered for this project, and Mr. Flatley said no, that there is money available but not set aside for Lamplighter Green. He added that it is in the Town's best interest to communnicate with the developer.
John Turco, 10 Princess Avenue, asked if the Town says no and the State says yes, who pays for new wells in case of contamination. Mr. Flatley said it up to the State to protect the existing wells, but not to pay for new ones.
Mr. Blomgren asked Mr. Flatley how many cases does the State overrule, and he answered that in 2/3 of the cases the differences are resolved, and that if the developer responds in good faith, the State will probably approve.

At 9:20 pm Mr. Johnson called for a 5-minute recess.

At 9:30 pm Mr. Johnson called the meeting to order, noting that all members were present.

Miss Towle read a **Proclamation** in honor of Dan and Mary Hart's Golden Wedding Anniversary. Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim June 24, 1989 as **Dan and Mary Hart's Golden Anniversary Day.**

At 9:30 pm the "Pockets" hearing was reconvened. Donald Darling and William Chandler are applying for a **Common Victualer license** to operate a snack bar at their billiard parlor "Pockets", Garrison Place, on Littleton Road. They will sell soda, chips, candy bars and maybe countertop popcorn and hotdogs. They said they will carry menus from J. P.'s Pizza and More and Mei Lei Gardens. They will put the snack bar and service area in the front of the establishment. The hours of operation will be from 11:00 am - 11:00 pm, and the tables will be around the perimeter of the hall. Mr. Ready said he is concerned about food being brought in from other restaurants, and Mr. Emerson said he is also concerned. Mr. Johnson said that is not the Board's interpretation of a snack bar. Mr. Blomgren asked them to state publicly that for 12 - 18 months they will serve only snacks, and then come back to the Board if they want to serve more.
Paul Cerqua, 21 Chamberlain Road, said he was not really in favor of this license.
Motion by Miss Towle, seconded by Mr. Ready, unan. to grant the Common Victualer license for snacks only to be sold and served on the premises.

The Board then met with representatives from **UPS** and the **Emergency Management Committee**. Mr. Johnson asked Mr. Blomgren to give an overview of why they had been asked to the meeting. Mr. Blomgren said that he has a concern with the UPS site and their policy on hazardous waste management. He asked what happened with their recent spill and what were the issues. Chet Moore, Bob Lukiten and Andy Cannon, manager of the Brick Kiln Road facility, were present from UPS.
Mr. Moore said that on May 23 at app. 7:30 pm employees noticed smoke when processing packages. About one quart of liquid had leaked from a package and the carton had no markings. They later learned that it was hydrazine, and in a higher quantity than usually accepted by UPS. The manager suspected that the liquid was hazardous but couldn't reach either the shipper or the consignee. The package was isolated outside the building. Fourteen employees (8 management) felt ill and were taken to the hospital. The Fire Department was called and the entire building evacuated. They called Clean Harbors, a hazardous waste disposal company. At 1:00 am the building was checked and the employees allowed back in. Mr. Moore apologized for any inconvenience caused to the Town, and assured the Board that it won't happen again. Mr. Moore said that they have stringent policies re hazardous materials and he outlined their policies - publications for customers and shippers, training for employees, disposal and response procedures. He said that they have handled 131 million packages in 2 years, and that perfume, mouthwash and aerosol sprays are all hazardous so they restrict quantities and control the packaging. They audit their customers on an annual basis.

Mr. Johnson said to Mr. Moore that the Board is not "calling UPS on the carpet". Mr. Ready asked if they can make the shipper pay the costs for down time, etc. Mr. Blomgren stated that he feels they are being called on the carpet - it is inexcusable that they don't have a definition of the chemical that was spilled, and that they didn't ask for punitive damages from the shipper. He said he feels they owe the Town more explanation, and that the Town could charge UPS for services rendered. Mr. Johnson said that they are paying taxes and are entitled to services provided by the community, and he wants to hear if the Fire Department thinks they are using the proper procedures.
Mr. Lynch stated that he had asked for a report from Deputy Chief Sousa to the Board of Selectmen and the Emergency Planning Committee. Deputy Chief Sousa said he is disappointed with the routine here - UPS didn't need to be called on the carpet. This was a minimum incident and he couldn't have asked for more cooperative managers. We don't care about the uses of the chemical - we need to know the properties and hazards of the material, not the use.
Mr. Johnson asked if UPS is using the proper procedures and Deputy Sousa said yes, they met with all the Fire Department officers before opening the facility and went through all their

processes and policies on hazardous materials with them. UPS is low on the list for emergency planning, they are very cautious and safe and have a model storage system for fuel and oil. He is very satisfied with UPS procedures. Mr. Johnson said he appreciated their coming in because we owe the community an explanation. Mr. Lynch said that the lack of a PR person during the incident didn't help, and also that the media overplayed the whole incident.

John Warren, Elks Chairman of the 4th of July Parade, was present and told the Board that they have booked nine bands for the parade, and thanked various organizations for their contributions -Rotary, $2,000; Fire Dept., $1100.; Central Savings Bank, $500.; Lowell Sportsmen's Club, $100; Harrington Paving, $50. He said they also have 13 floats scheduled. Mr. Johnson thanked Mr. Warren and **Walter Hedlund, Chairman Town Celebrations Committee**, for their hard work. Mr. Hedlund said that things are falling into place, and he asked the Board's approval of using the standard equipment and street closings. Motion by Miss Towle, seconded by Mr. Ready, unan. to honor the requests of the Celebrations Committee.

Under **Reports, Mr. Ready** reminded residents that recycling starts July 3rd. Mr. Lynch commented that he, Mr. Emerson and Mr. Blomgren watched a demonstration of the recycling trucks today. **Mr. Johnson** said he had received a complaint from a Dunstable Road resident about early morning truck traffic on Ledge Road. Mr. Lynch said he would get in touch with the residents.
Mr. Lynch reported on the unregistered car by-law, saying that there has been confusion about the number of vehicles allowed. He has an opinion from Town Counsel that a vehicle may only stay unregistered on a resident's property for one year, and if there is more than one vehicle they have to get permission from the Board, or remove it. He said we may want to make some technical changes in the by-law, but it seems to be working so far.
He reported that on the matter of health insurance, we went on a self-insured system through Insurance Cost Control, and have been paying them $27,000 per year. He has found another firm for one half the price. Motion by Miss Towle, seconded by Mr. Ready, to go with Claims Monitoring Services. The vote was 4 in favor, with Mr. Johnson abstaining.
Mr. Lynch met with the State DPW re North Road regarding re-striping from the Rotary to Princeton Street. They told him that they are interested in installing a signal at Technology Drive. He reported that there is no state funding for the signal systems on Route 110 this year. On Route 129, Phase III $2.5 was appropriated. The design work has begun, and $50,000 was appropriated at Annual Town Meeting.

Under **Appointments**, motion by Miss Towle, seconded by Mr. Ready, unan. to approve the list of **salaried annual appointments** as prepared by the office.

Motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Frederick Flynn, Jr. and Brian G. Fernald as part-time civilian dispatchers in the Police Department.

Motion by Miss Towle, seconded by Mr. Ready, unan. to re-appoint the Holiday Decorating Committee as listed.

Under Unfinished Business, motion by Miss Towle, seconded by Mr. Ready, unan. to request Mass. Electric to install streetlights on Churchill and Temi Roads as recommended by the Police Chief.

Under New Business Miss Towle asked the status of the Boy Scouts and the East School, and Mr. Lynch told her that the building had been painted last summer.
Miss Towle asked that the replacement appointment for Judith Hass on the Conservation Commission be placed on the agenda for the July 10th meeting.
Miss Towle asked if there is going to be a collection point for persons living in condominiums to recycle, and Mr. Lynch said that the Trash Advisory Committee is looking at that possibility and will report their recommendations to the Board.

Mr. Emerson noted that an excellent pictorial history of the Town has been completed by George Adams Parkhurst.

Mr. Blomgren asked that the Recreation Commission and Police Chef come to the July 10th meeting to discuss conditions at Varney Playground. Mr. Lynch reported that the police have started regular patrols and the Recreation Commission has taken over Varney Playground. He will let them know about the trash problem indicated by Mr. Blomgren. Mr. Blomgren said as long as this system is working there is no need to ask them to attend the meeting.

At 10:35 pm motion by Miss Towle, second by Mr. Ready to adjourn to Executive Session to discuss the sale, lease or exchange of real property. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson announced that the Board would not be returning to open session.

For the Board of Selectmen, by

Linda E. Carter

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TOWN CLERK WESTFORD
MARY E. ST. HILAIRE
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, July 10, 1989. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

During the Open Session at 7:00 pm. James McBride addressed the Board regarding Ricky Dillon. He feels the Board of Selectmen has no compassion in eliminating his position and said he thought we protected Town jobs. Mr. McBride said heard that Mr. Dillon is being let go because of some problems years ago when he was the union steward. He then mentioned money that is being spent on car phones, backhoe apparatus from Westford being hired to work in Town, hot-topping the parking lot, and he thought that jobs would be the last thing to go when we are trying to cut back on Town spending. He presented a petition of several pages signed by persons who do not think Mr. Dillon should be let go. Mr. McBride continued that he found Mr. Dillon very cooperative when the Conservation Commission needed something, and feels that he is a very conscientious young man. He also said he had heard that Mike Crory might take the Highway Superintendent's position in the Town of Harvard. He said he wanted some answers from the Board.

Miss Towle said that she has talked with Mr. Dillon and he knows where he stands, that it was the result of contract negotiations and is certainly not a vendetta. Mr. Emerson said he has never agreed with creating the 3 foremen positions, but this has nothing to do with current circumstances, and he thinks Mr. McBride is referring back to a previous Board. Mr. Ready said he has concerns, that he would like to see Mr. Dillon back in the department, and would like BOS negotiators to sit with the union and see what can be worked out. Mr. Blomgren said that it is a purely fiscal matter, not limited to the Highway Department. Some people are not happy about recycling, we have had layoffs in public buildings maintenance and teachers. This is a management issue and it is regrettable to have to reduce any force. Not all decisions are popular and this is a business decision, not political. Mr. Johnson said that there is no black or white to this issue. He said he was on the Board that appointed Mr. Dillon as foreman and his position is in the middle between Mr. Ready and Mr. Blomgren. He would like to find him another job. He added that decisions are becoming more and more difficult, and the Board will try hard to find an equitable solution.

Mr. Lynch said that these decisions are never easy, and that they had looked at much larger layoffs in the Highway Department. The problem is there is no suitable position for Mr. Dillon. We will help him find a job, either here or elsewhere. Mr. Johnson said that 4 members of the Board (not Mr. Emerson) found him worthy of promotion.

Mr. McBride asked if the the Town bought a new backhoe last year and now is paying $90,000 for an outside contractor. Mr. Lynch told him that we use a contractor for catch basin cleaning and also hire a gradall. Mr. McBride said he doesn't think it's good

fiscal policy to hire outside contractors.
Lawrence Ferreira, Union Steward, spoke saying that during the contract bargaining process there was never a personnel layoff mentioned. Mr. Blomgren said that he is opposed to engaging in the collective bargaining process now, and said that they focused on men and the Town focused on fiscal issues. Mr. Ferreira said that the union is not strong on outside contracting. Mr. Blomgren said they took $35,000 from salaries and $35,000 from outside contracts, that the 1 foreman to 8 men ratio is valid and may be better than 1 to 5 men. We need to hear ways to improve productivity, and it is not wise to go outside of collective bargaining on management issues. Mr. Ready said maybe the Board can sit down and find ideas. Mr. Ferreira asked why Mr. Dillon couldn't be Sewer Superintendent, and Mr. Lynch said because we didn't know about the job opening. There may be another opening in that department that he could fill. There is no re-opener clause in the union contract.
Mr. Johnson said that we want to keep the door open and try to come to a mutually satisfactory agreement, and he agrees that after 14 years of service to the Town it's not fair to lay someone off. This matter was brought up at the Annual Town Meeting and there was no opposition at that time, which would have been the time to oppose the idea. Mr. Blomgren commented that there are risks in going from Union to management. Mr. Emerson added that there is a sence of unfairness to what has happened and the Board should discuss it with the Highway Supt. Mickey Dearborn, Highway Dept. employee spoke, saying that a couple of months ago Mr. Lynch said they wanted to build up the Highway Department, but how can we when all our work is contracted out. A lot of basin work could be done by our own men.
Mr. Ready concluded that one reason to contract out work is that it can act as a cushion - we can cut back on outside contracting without laying off employees.

Chairman Johnson called the meeting to order at 7:30 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the minutes of June 5, 1989 and June 19, 1989 (2 Executive Sessions).

Motion by Mr. Emerson, seconded by Miss Towle, unan. that the Board go into Executive Session later this evening to discuss the labor problems brought out earlier and also management issues.

Frank McLeish, Maintenance Coordinator for Gulf Oil Corp., a division of Cumberland Farms, was present to request a transfer of the underground storage license at 31 - 33 Drum Hill Road. He explained that Cumberland Farms purchased Gulf Oil 3 years ago, and the 4 10,000 gallon tanks were tested then. Mr. Ready said that the tanks have not been tested in the past 3 years, which is

the Board's policy, and Mr. Johnson told him to get them retested. Miss Towle noted that the application for this transfer and also one on **Chelmsford Street** are not complete - they need the book and page number of the deed and also to be signed by the Fire Chief.
Motion by Mr. Blomgren, seconded by Miss Towle, unan. to table these transfers until the proper applications have been received and the tanks tested.

Under **Reports**, Mr. Ready said he has received numerous calls on trash pickup and recycling, and suggested forwarding complaints and proposed solutions to the Trash Advisory Committee. He said the most complaints are the limit of 5 items to be picked up, and suggested that people could either purchase larger trash barrels or put 2 bags in 1 barrel. People have been asking about more bags after holidays, why not recycling every week, why can't cardboard be recycled. Mr. Ready said that other containers can be used for recycling - cardboard carton, plastic bin, etc. and suggested asking the TAC to have some stickers made up to put on other containers.
Motion by Mr. Ready, seconded by Miss Towle, unan. to forward our list of concerns to the TAC, and to invite them to attend a meeting in the near future. Mr. Emerson asked to add to the list of concerns that it is up to the driver to pick the 5 items he will take.
Mr.Lynch noted that most communities do limit the number of items they will pick up. He said that participation in the recycling program last week was app. 85%, that this resulted in 125 tons less trash than a year ago, and an $8,000 savings. Mr. Johnson asked that everyone in Town give the program a try. Mr. Lynch added that regarding the excess trash that people are complaining about, alternatives might be to have a one-time extra pickup, or to put a dumpster at some location in Town. Mr. Johnson also suggested asking a neighbor with only one or two containers if he would take extras.

At 7:45 pm a **Public Hearing** was held on the application of John DaSilva for a **transfer of the All Alcoholic Retail Package Goods Store license at 210 Boston Road** from Linda Harrington. Attorney Ralph Champ represented Mr. DaSilva, who was born in Portugal and is a naturalized citizen, who lives in Lowell. He has been with Allied Van Lines for 9 years, and has worked with Turcotte Liquors for one and one-half years. He has taken a seminar in liquor store management. He has no relationship with Corporate Investments International and they will have no interest in the license. Mr. DaSilva is planning to double the size of the store, but is not applying to do this tonight. The lease of the space is being transferred with the license. Mr. Blomgren commented that the application is not complete - no.'s 18, 21 and 22, and Section 5G. He also asked for a letter of reference from Turcotte. He asked about the hours of operation, and was told 9

am - 10 or 11 pm. Mr. Blomgren asked if we have a police report, and Mr. Lynch told him that the procedure for doing this is changing, and we will have more information. No one present spoke in favor of or opposition to this transfer. Motion by Miss Towle, seconded by Mr. Ready, unan. to take this under advisement until July 31st.

Attorney Joseph B. Shanahan, Jr. was present representing Chelmsford Little League, Inc. to discuss capital improvements they want to make at the Route 110 Little League Fields. They want to: 1. add lighting to Scully Field, the third field; 2. construct a 40' x 50' building for the storage of uniforms, equipment and maintenance equipment and also create a small meeting room/office in the back; 3. hot-top the parking areas and driveways. They have discussed drainage, etc. with the Town Engineer and need to go to Conservation Commission and the Board of Appeals for a variance for the lighting poles. Their fourth item is that they want to build a big league baseball field on the McFarlin soccer field, and they are working with the Recreation Commission and the Soccer Association on this. No improvements will be paid for by the Town - Little League has a $60,000 budget. Mr. Shanahan added that the Recreation Commission has approved all these proposals. Mr. Ready stated that signalization is scheduled at Chelmsford and Fletcher Streets and will include the Little League driveway. He recommended that the Town Engineer work to coordinate the signalization. Mr. Emerson asked if they have talked to the Veterans' Memorial Park Committee, and Mr. Shanahan said Yes, there is no conflict there. He also added that any improvements made by Little League technically belong to the Town. Mr. Emerson said he thinks restrooms might be required, and Mr. Shanahan said that there is no proposed tie-in immediately, but they may tie into the sewer system in the future. Motion by Mr. Blomgren, seconded by Miss Towle, unan. to waive the Building Permit fee. Mr. Blomgren asked if they have considered using Varney as a senior field, and Mr. Shanahan said they are looking into this, but the field is now in a sad state of repair. A meeting is scheduled with Little League, Recreation and Varney Plaground Commissioners. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve proposals 1 - 4 as stated in the letter from Art Fisher.

Under Reports, Mr. Ready moved, seconded by Miss Towle, unan. to send out the regular 4th of July thank you letters. He said he thought it was one of the nicest 4th of July's yet, and feels the Lions Club has achieved what we were looking for in the booth area. Mr. Emerson said he agrees with Mr. Ready that it was one of the best 4th's, but has one minor complaint - he would like to see plastic string banned in the future. Mr. Ready said that if they have their Mass. Peddler's license this may be hard to do, and we will check with the Police Chief to see how we can stop the sale of this item.

Mr. Johnson reported that CVS has made major improvements to the exterior of their building on Chelmsford Street. Motion by Mr. Blomgren, seconded by Miss Towle, unan. to send them a letter of commendation.
Mr. Johnson reported on the broken signs in the Center, noting that we had sent a letter to the State DPW on Dec. 28, 1988. He suggested that we contact Rep. Cleven and Sen. Amick and ask to have these signs repaired within 90 days, and if not the Town will cut down the poles. Mr. Lynch said he met with the District Engineer and it will take 6 months to get new signs, and he has asked the Highway Dept. to remove the broken signs.
Mr. Johnson commented that the Drum and Bugle Corps competition was the best entertainment in Town.

Under **Unfinished Business**, Mr. Lynch said that the appointment of the Wiring Inspector is on the agenda for tonight but he has no name yet. We are sharing Westford's inspector right now, and he should have a name for the Board to appoint by July 31st.
Motion by miss Towle, seconded by Mr. Ready, unan. to appoint David McLachlan to the Conservation Commission to fill Judith Hass's term, effective August 30, 1989.
Motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Lenora McWilliams, 1 Spruce Street to the Trash Advisory Committee and to send a letter of appreciation to Linda McLean.

Motion by Miss Towle, seconded by Mr. Ready, unan. to request Mass. Electric Company to install a streetlight on Pole #3, Fifth Avenue.

A streetlight was recommended for Pole 6/7903 on the corner of Old Westford Road and Arbutus Avenue. Mr. Ready asked if the Board had ever voted to have this light moved. Mr. Lynch will check with Safety Officer Daley to see if this was done.

Motion by Miss Towle, seconded by Mr. Emerson, unan. to request Mass. Electric to install a streetlight on Pole 45/5 on Highland Avenue.

The Board then discussed bid awards for Highway Department materials and equipment. Mr. Lynch said he has received a memo from the Supt. of Streets indicating that on street sweeping and catch basin cleaning he is not recommending the low bidder because he has worked with the other firms and found them very sastisfactory. Mr. Ready asked if any of this work could be done by Highway Dept. personnel, and Mr. Lynch said we have one sweeper but need two to cover the whole Town, and our catch basin cleaner is so old it is being sold. Mr. Blomgren commented on item #2, painting traffic lines, and saying that we always go with the low bidder and the paint never lasts. Mr. Lynch said that the Sewer Commission will use thermal plastic crosswalks in

the Center when they re-pave, and this will be a good test of are they worth the extra money. Mr. Blomgren asked him to ask Jim Pearson for any information the Traffic and Safety Committee has on this. Mr. Emerson questioned Item #15 - PVC plastic pipe, and Mr. Lynch said they are recommending the low bidder. Motion by Miss Towle, seconded by Mr. Ready, unan. to accept Mr. Crory's recommendations on the bid awards.
On the Highway Dept. equipment to be sold, Mr. Lynch said the Board must declare the equipment to be obsolete. It has been advertised and one bid received. Motion by Mr. Blomgren, seconded by Miss Towle, unan. to table this item until the next meeting and obtain a list of the equipment and find out where it was advertised.

Under **New Business** Miss Towle said she had read the minutes of the June 27, 1988 meeting with the Boy Scouts and wants them to attend the July 31st meeting to address the issues referred to in the minutes.
She asked Mr. Lynch to determine if the Cinnamon Place at The Mill should have a Common Victualer's license.

Mr. Johnson said that some of the hardest workers on the Senior Center do not live in Town but would like to serve on their Boards and he thinks they should be allowed to. Motion by Mr. Blomgren, seconded by Miss Towle, to authoriize Mr. Johnson to check with Martin Walsh for his recommendations. Mr. Emerson said he feels it should be no - that the center is owned and paid for by the Town and should be operated by Town residents. Miss Towle, Mr. Ready and Mr. Blomgren all said they agreed. Vote on the motion was 1 in favor (Mr. Johnson), 4 opposed.

At 8:50 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to Executive Session to discuss collective bargaining. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson announced that they would not be returning to Open Session.

For the Board of Selectmen, by

Judith E. Carter

Town Clerk

MINUTES OF BOARD OF SELECTMEN REGULAR SESSION
JULY 31, 1989

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TOWN CLERK

MEMBERS PRESENT: Mr. Johnson, Ms. Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Bernard F. Lynch, Executive Secretary was also present.

CALL TO ORDER: Mr. Johnson called the meeting to order.

APPROVAL OF MINUTES: Ms. Towle made a motion to approve the minutes of July 10, 1989, Regular and Executive Session, 2nd Mr. Ready, unani.

7:30 PM JOINT POLE PETITION - YORK AVENUE - Mr. George Gagan was present representing New England Telephone, 33 Winter Street, Haverhill, MA. Mr. Gagan had a petition from N.E. Telephone and Mass. Electric to place one jointly owned pole along York Avenue for telephone and electric service to a new home at 9 York Avenue, 345 feet easterly on the center line of Third Street. Mr. Gagan stated that the work would be done in approximately 2 weeks. Theresa McCall, 5 York Avenue was in favor of this petition. No one was opposed. Ms. Towle made a motion to approve this petition, 2nd Mr. Ready, unanimous.

Mr. Emerson asked Mr. Gagan to investigate the areas of Vinal Square to Tyngsboro, the Westlands - Dalton Road relative to several double poles. Mr. Gagan will report back to Mr. Lynch with a completion date.

7:35 PM PUBLIC HEARING - SAND REMOVAL AT HIGHWAY YARD - Mr. Lynch stated that there was an article on the Annual Town Meeting Warrant to lease property behind the Highway Department garage and remove the sand over a 10 year period of time. Mr. Lynch stated that the Town is moving ahead with this project. The reason for the public hearing was to bring the Board up to date and get some direction and to allow the neighbors an opportunity to speak. Mr. Lynch stated that he would be appearing before the Conservation Commission in the very near future to provide them with plans being prepared by the Town Engineer as work will be done adjacent to the wetlands. There is 65,000 cubic yards of sand which needs to be moved. There are a few options that need to be brought to the Board. The first option would be to remove approximately 6,500 yards of sand per year. The second option would be to move all the sand onto the Highway property at once. It was Mr. Emerson's understanding that the proposal to move all the sand at once was proposed by Mr. Harold Kecy (land owner) and that he would pay for the removal of all of the sand onto Town property and in exchange, rather than tying up his land for 10 years, he would release it as soon as all of the sand was removed at his expense. Mr. Emerson stated that at the time it made sense for the Town, Mr. Kecy and the neighbors. Mr. Emerson stated that since that time, Mr. Kecy has found that it would cost 3 times as much as he had originally understood and has withdrawn that idea and is not able to move all of the sand. Mr. Kecy, 19 Berkeley Drive, stated that he spoke to Mr. Lynch and offered to sell the whole parcel (15 acres) for $500,000 at 8 1/2% over a period of 20 years with no down payment. Mr. Kecy stated that there is 100,000 ton (76,000 cubic yards) on the property according to the Town. Mr. Kecy stated that to have it delivered it would cost $800,000. Mr. Kecy stated that he is very flexible, he did not want the neighbors to get hurt. Mr. Ready asked what would be

done with the land after the sand removal. Mr. Kecy stated that he would make a deal with the town for the elderly, etc., no current plans at this time. Mr. Johnson asked for neighborhood input:

Catherine Harper, 9 Miner Avenue, stated that her backyard has been torn apart without her notification. She stated that 5 years ago the neighborhood appealed to the Board of Selectmen because of the erosion problems, the bank and trees were being torn down. The BOS at that time asked the Highway Department to slope the area and plant vegetation that would help with the erosion. Mrs. Harper sees huge mounds of top soil in her backyard. Mrs. Harper presented the BOS with a letter signed by the residents of Miner Avenue.

Jose G. Ferrer, 3 Miner Avenue, stated that his home has suffered damages and that he lost a wall from earth movements. He house has cracks and the area shakes when the trucks are in operation. He presented the BOS with a letter from his insurance company.

Barry Hantman, 21 Prescott Drive, stated that recently there is a great deal of activity in the area and often begins very early in the morning. Mr. Hantman asked the BOS to take noise factors into consideration.

Mary Gagnon, 7 Miner Avenue, also presented the BOS with a letter from her insurance company for damages due to the sand removal.

Mr. Blomgren stated that this was a warrant article at Town Meeting and at the time there was discussion, however, no one from the area spoke. Mr. Lynch stated that at the beginning of July, work did commence in that area, however, when it was brought to the Town's attention, it was stopped immediately. Mr. Kecy wants to work with the Town and the neighbors. Mr. Johnson stated that it was his feeling that whatever the Town does, it should be done quickly and sloping of the hill is of primary importance. Mr. Kecy stated that it can be done without hurting the neighbors. Mr. Ready stated to the neighbors that if there are any problems, call the BOS. Mr. Ready asked for a show of hands of the neighbors who would like to see the land stay undeveloped. Everyone present raised their hand. The neighbors were worried about fire due to the dead trees. Mr. Johnson, Emerson suggested the Mr. Lynch, Town Engineer, Highway Superintendent and 4 neighborhood residents have a meeting to work together. The Town will be going before Conservation in the near future.

Howard Ryan, 10 Miner Avenue, had a short-term option relative to the fire concern to remove the dead trees and put a grade of bark mulch along the top.

Mr. Johnson asked the volunteers to call the BOS office and leave their names, addresses and telephone numbers for a meeting with Mr. Lynch, Town Engineer, Highway Supt. and Mr. Kecy.

7:50 PM - PUBLIC HEARING - APPLICATION OF GOURMET EXPRESS FOR COMMON VICTULATER'S LICENSE - Kevin Rheaume, President of Entrepreneur Consultants and owner of Gourmet Express. He currently has a small restaurant in Westford across from the Westford Regency which has quiche, soups, entrees, which are all made with fresh vegetables and from "scratch". He hopes to move into the former McCartney's in Village Square. The new restaurant would have 62 seats. He stated

that he has been to the Building Department and Board of Health with preliminaries. Hours will be from 10AM - 9PM Monday thru Saturday, possibly 10PM on weekends, closed on Sunday. This will be a full restaurant, not fast food. He submitted a floor plan to the BOS. The rest rooms will be open to the public and handicapped accessible. He handed out restaurant (lunch) and catering menus to the BOS from the Westford facility. The Westford restaurant is mostly take-out (35-40%) because they only had 18 seats. The Village Square restaurant will be tied into sewer in the near future. He stated that they may possibly consider a beer and wine license in the future but not an all alcoholic license. Parking is adequate with the possiblity of using 12 spaces at night. He was hoping his peak business would be at night. He will be responsible for trash and the outside grounds. No one spoke in opposition. Mr. Johnson read a letter from the Building Inspector stating that the proposed zoning is for a restaurant and not a fast food establishment and that based on the plans received, it would be allowed. Dr. Arthur Neyman, President of Evergreen Condominium Association in Village Square was present and spoke in favor of this establishment. Mr. Rheaume has owned a restaurant/hotel consultanting firm since 1976. Mr. Blomgren made a motion to grant the Common Victualler's License for a full restaurant from the hours of 10AM - 9PM, 2nd Ms. Towle, unanimous.

8:00 PM - PUBLIC HEARING - TRANSFER OF BEER & WINE PACKAGE GOODS STORE FROM McEANEY'S MARKET TO DANIEL McMAHON - Daniel and Robert McMahon were present seeking a transfer of the Beer & Wine License from McEaney's Market. Mr. Johnson asked for background and experience. Mr. McMahon stated that they have been in the grocery sales for the last 5-6 years. They recently completed a rehab at 712 Merrimack Street in Lowell. The McMahons hope to provide a better store with more groceries at McEaney's Market. Ms. Towle stated that some of the questions on the application were incomplete. Mr. Johnson read #10 of the application. Mr. McMahon stated that they would be doing some remodeling, replacing shelving, etc. They will also vinyl side the exterior for a better outward appearance. Regarding #13, the corporation was filed by Daniel and Robert McMahon. The 200 shares of stock are left open for their parents and brother. Mr. Johnson asked if the McMahons would be trying for an all alcoholic license in the future. Mr. McMahon stated that they want only a beer and wine license. The McMahons both have experience in handling liquor as their parents own a restaurant/convenience store in New Hampshire. Dan McMahon took a course in mixology. They would be willing to take the one-day seminar offered by the Mass. Package Store Association. Mr. Blomgren asked for a resume and/or letter of intent outlining the specific industry handling. In reference to the $500 monthly rental fee, Mr. Blomgren asked how they intended to get more business. Mr. McMahon hoped that by cleaning up the store, they will get more business. Mr. Johnson stated that there were a few things that need to be done with the application as well as police reports. This will be held over until August 21, 1989. Mr. McMahon will be in contact with Mr. Lynch regarding the application process. Daniel Sadowski, 78-80 Middlesex Street (across from store), spoke in favor of this application. Mr. Blomgren suggested that Mr. Lynch prepare a punch list for applicants so that applications are not incomplete.

8:10 PM - NEW ENGLAND POWER SERVICES PETITION - Alan Rice, District Engineer and Penny Hamel, both of Mass Electric, with a petition. Mr. Rice had 2 petitions that are in close proximity but do not depend on

each other. The Quigly Avenue substation petition involves an expansion of the fenced in area of the substation on existing New England Power Company property. The reason for the expansion is to install a third transformer. The petition involves approximately 4,000 sq. ft. to an existing 40,000 sq. ft. substation along the back of the property. The second petition involves the construction of a transmission line on existing poles along the railroad right of way which runs between Chelmsford and Tynsboro up into Nashua which is maintained by the MBTA and B&M Railroad. The purpose of the line is to provide a second source of power to the Tyngsboro substation on Middlesex Avenue. Presently, there is only one supply line to that station and it has reached its capability. Both petitions are for more reliable services to the area. Mr. Emerson was concerned that the fenced in area at the Quigly Avenue substation was getting too close to the lot line and abutters. Mr. Rice stated that the fence would be moved approximately 25 feet. Mr. Rice stated that before the petition goes before the Department of Public Utilities all abutters are notified. Mr. Rice stated that a zoning exemption is required by the DPU. Mr. Emerson was concerned that the fence move would violate the required setback as part of our zoning bylaws. Mr. Emerson asked for more information on the plot plan regarding distance, lot lines, etc. Mr. Emerson made a motion to get a more definitive plan as to exactly what is being done and the relationship to the homes so that the BOS can better determine this petition, 2nd Mr. Ready, unanimous. Mr. Ready asked if any screenings, plantings, etc., would be done. Mr. Rice stated that it has not been determined at this time. It will be worked out with the DPU. The noise level is minimal because these are low-noise transformers. No action was necessary as this was an informational meeting to bring the BOS up to date and give any input to the DPU for their public hearing.

8:20 PM - LOWELL GAS COMPANY - RE: CATHODIC PROTECTION SYSTEM - Antonio Campo, Corrosion Technician for Colonial Gas Company was present to explain his application for a permit to install a Cathodic Protection System on Algonquin Road. Basically, this isolates the gas company's piping from other pipes underground and insures the integrity of the pipes. The life of the system is 21 years. Ms. Towle made a motion to approve subject to satisfactory letters from the Wiring Inspector and Town Engineer, 2nd Mr. Ready, Mr. Emerson abstained, unanimous. Mr. Blomgren made a motion to refer the plans over to the Town Engineer and Wiring Inspector for letters of recommendation, 2nd Mr. Emerson, unanimous.

8:30 PM - COMMUNITY DRUG AND ALCOHOL AWARENESS COMMITTEE - Did not attend this meeting as they were not prepared to update the BOS.

8:45 PM - BUDGET DISCUSSION WITH SCHOOL AND FINANCE COMMITTEES - Barbara Ward, Chairman of the School Committee, felt it was appropriate to have an Executive Session for the purpose of discussing collective bargaining. Mr. Emerson asked Mrs. Ward to define collective bargaining. Mrs. Ward stated that there were many contracts that have not yet been ratified. Mr. Emerson did not agree, it is a public issue and it was not intended to get into contract negotiations. Mrs. Ward stated that the Executive Session would be for only 10 to 15 minutes for an overview. Mr. Blomgren suggested

that they go into Executive Session for a few minutes and if there is still the level of concern over the appropriateness, then go back into regular session. Ms. Towle made a motion to go into Executive Session for the purpose of discussing collective bargaining, 2nd Mr. Ready, unanimous. A polling of the BOS to go into Executive Session, Aye-Ms. Towle; Aye-Mr. Ready; Aye-Mr. Emerson; Aye-Mr. Blomgren; Aye- Mr. Johnson. **PLEASE SEE EXECUTIVE SESSION MINUTES DATED JULY 31, 1989.**

9:45 PM - 5 MINUTES RECESS

Ms. Towle made a motion to go back into Regular Session, 2nd Mr. Ready, unanimous.

Mr. Lynch stated that since the meeting of July 17, 1989, he went back to look at the estimates, projections and fixed costs in an effort to come to a clear understanding of our financial picture. Mr. Lynch stated that the Cherry Sheets did not arrive in time for this meeting. However, it does appear that the cut from the Local Aid will be $1.2 million. In the area of fixed costs, Mr. Lynch feels that he can reduce that portion by $282,000. In the Debt and Interest Account the interest was 1 point lower than estimated for a savings of $75,000. In the area of County Retirement, the bill received was for $207,000 less than estimated, however, there will be a supplemental bill sent our within the next year estimated at $200,000. The estimated receipts can be increased by $350,000. A large portion of that amount is based upon the assumption that the Lighthouse School will be renting the Center School which represents $140,000 per year. The other change is in the Warrant Articles and reduce the Reserve Fund by $50,000. The total reduction and shortfall is $683,000 leaving the Town with a shortfall of $717,000 that has to be made up. The School Department's share will be $430,000. The Town's share will be $287,000. Mr. Emerson stated that the Town is also $1 million short due to contract negotiations. Mr. Lynch stated in the year-end calculations, the free cash is substantially lower than estimated 2 weeks ago, it appears that the free cash will be $996,000. Mr. Emerson was concerned that using free cash to balance the budget, the Town will be in much worse shape next year because the money is gone. School Committee member Samuel Poulten stated that the School Committee is in a unique position in that they went to Town Meeting with a level-funded budget, it showed an increase of less than 2%. Mr. Poulten stated that there was a meeting with the School Committee, Finance Committee and Bernie Lynch with a debate on what the School Committee should do at Town Meeting. The Finance Committee agreed that they understood that the contracts had not been settled and that free cash would be used. Mr. Poulten stated that if that was true, the School Department would have to come up with a $430,000 cut after the contracts. The School Committee asked for clarification on exactly what they had to cut, was the $430,000 including contracts? Mrs. Ward stated that the Superintendent is actively working on cuts. Mr. Ready made a motion to ask the Finance Committee to look at the $996,000 free cash position and to advise the appropriate collective bargaining agents what the Finance Committee feels is appropriate for the open contracts; that Mr. Lynch prepare to cut the overall budget at Town Meeting by $683,402; that Mr. Lynch look to cut the Town's side of the budget by an additional $287,139 and School Committee reduce their budget by $437,800, 2nd Ms. Towle, unanimous.

Mr. Emerson made a motion to create a special task force of 9 members made up of 3 appointed by the Selectmen, 3 appointed the School Committee, 3 appointed by the Finance Committee to determine what is essential and non-essential personnel with a meeting during the month of August and the first no later than December 31, 1989. Mr. Ready stated that the Town is about to hire a Town Manager and it is his job to handle the budgets and cuts. Mr. Ready and Mr. Johnson felt that we did not need another committee. The motion was withdrawn.

The School Committee will report back after August 8, 1989 or as soon as the Cherry Sheets are in.

UNFINISHED BUSINESS:

VOTE ON CUMBERLAND FARMS UNDERGROUND STORAGE LICENSE TRANSFERS: No vote as this matter was not ready.

VOTE ON TRANSFER OF ALL ALCOHOLIC RETAIL PACKAGE GOODS STORE LICENSE AT 210 BOSTON ROAD: John G. DaSilva, 43 Kinsman Street, Lowell, was present. Mr. Johnson asked Mr. DaSilva to explain the possession of fire arm without a fire arm identification card. Mr. DaSilva stated that he had a fire arm i.d. from Florida but not for Massachusetts. Mr. DaSilva did not know it was not a valid license in Massachusetts. He was stopped by the Police due to an incident with a friend and his friend's estranged wife. Ms. Towle made a motion to approve the transfer of the All Alcoholic Retail Package Goods Store License at 210 Boston Road to John G. DaSilva, 2nd Mr. Ready, Mr. Blomgren - opposed; unanimous.

APPOINTMENT OF PART-TIME CUSTODIAN: Ms. Towle made a motion to appoint Frances E. Johnson, 136 Tyngsboro Road, as Part-time Custodian, 2nd Mr. Ready, unanimous. Mr. Blomgren apologized for the confusion at the last meeting regarding this position being publicly advertised. It was actually Tynsboro.

NEW BUSINESS:

BID AWARD - HIGHWAY DEPARTMENT - Ms. Towle made a motion to award to Taylor & Lloyd, Inc., 8 Railroad Avenue, Bedford, MA, the bid for one (1) truck, cab and chassis in the amount of $34,975.55, 2nd Mr. Ready, unanimous.

BID AWARD - POLICE CRUISER - Ms. Towle made a motion to award the bid to Hallissey Auto Mall in the amount of $16,000.00. Mr. Blomgren felt that the BOS should reject the bid and ask the Police Chief to go back into the proper bidding process and not get a vehicle with quite so many amenities. Mr. Emerson stated that he understood we would be getting a $5,000.00 discount even though it is a luxury vehicle, it is less than a standard cruiser. Mr. Lynch stated that the cruiser through the State bid are approximately $16,000.00. Mr. Ready asked for a personal hold until more information is presented regarding costs.

NEW BUSINESS:

STREET LIGHT APPROVALS:

Ms. Towle made a motion to approve the **street light on Old Westford Road and Arbutus Avenue**, 2nd Mr. Ready, unanimous.

Ms. Towle made a motion to approve the street light at 149 Boston Road, 2nd Mr. Ready, unanimous.

ROADSIDE VENDORS LICENSE:

George Smyrnios was present requesting a roadside vendors license to sell wooden storage sheds and patio furniture from August through October on private property in Vinal Square. Paul McGovern allowed Mr. Smyrnios use of his restroom facilities. There are 5 parking spaces on the street and 5 spaces on the lot. Ms. Towle made a motion to approve the roadside vendors license, 2nd Mr. Ready, unanimous.

VOTING HOURS:

Ms. Towle a motion to set the voting hours for the special election on September 19, 1989 to 10AM - 8PM contingent upon a reduction in the budget, 2nd Mr. Ready, unanimous.

REPORTS:

MR. READY - HIGHWAY DEPARTMENT UNION - The Highway Union has requested a meeting with the BOS for a general discussion. Mr. Ready made a motion to schedule a meeting with the Highway Union, Board of Selectmen, Michael Crory, and Union Steward Michael Gormley, 2nd Ms. Towle, unanimous. Mr. Blomgren requested that an agenda be prepared for the meeting.

MR. READY - FIRE FIGHTERS UNION - Mr. Ready made a motion to approve the request of the Fire Fighters Union to hold a muscular dystrophy fund raising, 2nd Ms. Towle, unanimous.

MR. BLOMGREN - RECYCLING - There was an article in the newspaper that Vining Recycling is recycling white goods in Westford. Mr. Blomgren requested that Mr. Lynch speak with Barbara Scavezze, Chairman of the Trash Advisory Committee, and determine why this is happening in Westford and not in Chelmsford.

MR. BLOMGREN - 911 - It was encouraging to see a letter to the editor from Al Thomas regarding 911. It is good to see it is yielding positive results.

MR. BLOMGREN - FREEMAN LAKE - Signage at the Spillway at Freeman Lake is missing and clean up of the general area is needed.

MR. BLOMGREN - MASS BURN IN SHIRLEY - Mr. Blomgren made a motion to send a letter to Mass Burn with the Trash Advisory Committee requesting the Town of Chelmsford's participation in the Mass Burn in Shirley to protect our interest and invite the principals to the next possible meeting, 2nd Ms. Towle, unanimous.

MR. BLOMGREN - ERIKSON'S CORNER - Mr. Blomgren made a motion to have sign removed by the State at Erikson's Corner, 2nd Ms. Towle, unanimous.

PRESS QUESTIONS

Margaret O'Brien, 107 Concord Road, was present wishing to speak to the Board. Mr. Ready stated that there was a policy that no meeting go beyong 11:00 p.m. She was invited to the next meeting or open session.

11:00 P.M. - MOTION TO ADJOURN - Mr. Emerson made a motion to adjourn the meeting, 2nd Ms. Towle, uanimous.

For the Board of Selectmen

Beth A. Kinney

RECEIVED
89 SEP 19 AM 11:16
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, August 21, 1989. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Bernard Lynch, Executive Secretary, was also present.

At 7:25 p.m. Norris O'Brien of the Merrimack Valley Vietnam Veterans, presented the Board with a plaque in appreciation of the Town's support of their organization. Member Mike Kinney gave each Board member a T shirt.

At 7:30 p.m. Mr. Johnson called the meeting to order.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the minutes of July 31st, Regular and Executive Sessions.

Barry Balan, Chairman of the Town Manager Screening Committee, thanked the Board for the privilege of serving on the Committee. He noted that the Committee had narrowed 72 applications down to 15, then 9 and finally 3. He thanked the Committee members by name. He gave the Board copies of the benefit package prepared by the Committee and the names of the 3 final candidates unanimously chosen by the Committee - Bernard Lynch, Richard Brown and Keith Bergman.
Mr. Johnson thanked the Committee for a job well done, and said it is now the Board's charge to make the final decision. Mr. Emerson asked is the Committee saying that any one of the three is well qualified and Mr. Balan said yes. Mr. Ready said does the Board have 60 days in which to choose a Manager, and if so, this makes the process take 8 months. Is there any way to speed it up?
Mr. Balan said we could advertise just locally and probably do it in 60 - 90 days. He said that it is more difficult in the summer, but the proces could be shortened. The charter should call for an interim Town Manager. Mr. Ready asked if the Committee could make notes for future screening processes, sort of a summary of what they have done. Mr. Johnson asked why 3 candidates, not 5, and Mr. Balan said they had 7 names, but some withdrew. Mr. Blomgren moved that the Committee meet in Executive Session with the Board of Selectmen to discuss the criteria used, but there was no second to his motion. He asked if the Committee had interviewed all 3 names submitted, and Mr. Balan said yes, 2 in person and 1 extensively over the phone. Mr. Johnson said he feels we should bring up the candidate from Virginia for an interview. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to have the Chairman set up interviews for all 3 as soon as possible. Motion by Mr. Ready, seconded by Mr. Blomgren, unan. that since the benefit package is not all funded that an article be put on the September Special Town meeting warrant. Mr. Blomgren suggested that we go to FinCom and get the money before we make an offer, and all Board members supported this. The Special Town Meeting will be held either September 26 or 28th.

Mr. Johnson left the room and Mr. Ready took over the meeting. **Brian Loranger** was present to apply for a **Class II Auto Dealer's license at 297 Littleton Road.** He rents Bays 3 and 4 and re-conditions cars. Mr. Lynch noted that we had a similar condition on Littleton Road and it turned out that the applicant had needed a Class III license. Mr. Johnson then returned and took over the meeting.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to allow the applicant to withdraw without prejudice and meet with the Executive Secretary to discuss what type of license is needed and to **re-schedule the hearing for 3 weeks.** Mr. Emerson also requested that he bring in a plot plan showing the parking area. Mr. Loranger said he won't be selling the vehicles there, only doing the re-conditioning, and that he really wants the license so he can go to the Concord car auction.

At 8:00 pm the Board met with members of the **Trash Advisory Committee.** Chairman Barbara Scavezze said that she really had nothing to report - that the third flyer is going to the printer tomorrow morning, that we are almost at our 17% goal, that we have 85% participation from the townspeople. Mr. Ready said he feels the Committee deserves congratulations, Mr. Emerson noted that the brochures are very helpful, and Mr. Johnson thanked Ms. Scavezze and all Committee members. She said that they would like to **change the Committee name from Trash Advisory to Solid Waste Advisory Committee**, and Mr. Ready moved to do so, seconded by Mr. Emerson, unan. and to make them a long-term committee. Michael Anthony, Committee member, said if we count the leaves picked up this fall, we will hit at least 25%, which is the State's goal.

Judith Hass was present to discuss the sign for the cranberry bog, saying that they would like to have Janet Lombard's name put on the sign. Motion by Mr. Emerson, seconded by Mr. Ready, unan. to have **"In Memory of Janet Lombard"** put on the **sign for the Chelmsford/Carlisle Cranberry Reservation.**

Mr. Lynch then led the Board in discussing **ways to cut the budget.** He showed overhead slides, stating that at the last meeting the Board asked him to find ways to cut. and he has cut $327,683. He then went over some of the various cuts to be made: Assessors - $10,000 cut in expenses, to cut back on property update; Elections - cutting back on polling hours; Board of Selectmen - not purchasing second printer and stopping the celluar phone. He has cut 10% in most departments. In the Police and Fire Depts. the reduction has been in overtime and expenses. He has tried to have a minimal effect on overall operations, more of a belt-tightening. Next year the shortfall will be 3 1/2 to 4 million. Fire Chief Robert Hughes commented that to cut $50,000 he would have to discuss cutting overtime

with the Union or close a station for 2/3 of a year. Mr. Emerson said he thinks this is the right approach for this year, and we should proceed with Mr. Lynch's scenario. Mr. Johnson and Mr. Blomgren both said that they feel we should dig deeper into the implications of the cuts. Mr. Lynch said he did not have time before this meeting but he will have more information at the September 11th meeting. Mr. Ready said he wants to see an impact statement on each of the cuts and would like it by September 4th, so we could suggest alternatives.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to appoint the precinct workers on the list prepared by the Town Clerk.

Mr. Ready moved to take the matter of the car for the Police Chief off the table, seconded by Mr. Emerson, unan. Mr. Lynch said he had contacted the Chief for more information. Mr. Johnson said he spoke with the Chief and the car from Hallissey is far superior to the cars on the State bid list. After a lengthy discussion, motion by Mr. Ready, seconded by Mr. Emerson, to authorize the Chief to purchase the Mercury Grand Marquis from Hallissey for $16,000. Vote was 3 in favor, 1 opposed (Mr. Blomgren).

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the Fire Chief's recommendation to purchase a pumper for $190,552.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to request Mass. Electric to install a streetlight on N.E.T.&.T.Co. Pole #33 on Carlisle Street, per the Safety Officer's recommendations.

The Board then discussed the transfer of the Wines and Malt Beverages license at McEnaney's Market, 65 Middlesex Street, from Charles and Marie Duncklee to Daniel J. McMahon. The Public Hearing on this transfer was held on July 31st. A report has been received from the Police Chief indicating that neither of the McMahons has any record. They submitted job resumes for eeach of the brothers, a letter from the TIPS program stating that they are both enrolled for September 2nd, and a statement of purchase and rehabilitation of the building. Motion by Mr. Ready, seconded by Mr. Emerson,unan. to grant the transfer of the license to McMahon's Chelms. Inc.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve a 1-day Beer & Wine license for St. Vartanantz Armenian Church for August 27th.

Under New Business, Mr. Blomgren showed slides and gave each member a handout on a Productivity Program involving employees and taxpayers. He also suggested setting up a committee to establish

a program. Members of the Committee would include: Town Manager, Town Accountant, Town Treasurer, Large Dept. Head, Small Dept. Head, Large Union President, Small Union President. He also recommended outlawing the use of car phones by department heads, which Mr. Lynch is doing. He asked members to study his report and vote on it at the September 11th meeting.

Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to put an article on the warrant to draft a **by-law to prohibit emptying dumpsters between certain hours, possibly 8 pm - 8 am.**

Mr. Blomgren suggested putting an article on the warrant to exclude the use of **ATV's** on Town property, and possibly prohibiting them in Town. Mr. Johnson said this is not the right time to discuss this, due to the tragic death of a youth riding one this past week.

Mr. Blomgren said that the **Police Chief** has stated that **crime in Town is up 51%**, and moved, seconded by Mr. Ready, unan. **to ask him to the next BOS meeting to discuss this.**

Mr. Ready stated that the **Mass. Municipal Association and the Town of Arlington** are trying to get a **fixed local revenue sharing formula**, and moved, seconded by Mr. Emerson, unan. to **write to tell them that Chelmsford also supports this concept.**

At **9:05 pm** motion by Mr. Ready, seconded by Mr. Emerson, to **adjourn to Executive Session to discuss collective bargaining.** Roll Call vote was as follows: Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson stated that the Board will not be returning to Open Session.

For the Board of Selectmen, by

Judith E. Cates

RECEIVED
89 SEP 28 PM 4:19
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, September 11, 1989. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson, and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Chairman Johnson called the meeting to order at 8:15 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim September 17 - September 23 as Emergency Medical Services Week.

Motion by Mr. Ready, seconded by Mr. Emerson, to approve the minutes of August 21, 1989, Regular and Executive. Miss Towle abstained since she was not at the meeting.

The Board went on to the appointment of the Town Manager. Mr. Lynch left the room, since he is a candidate. Mr. Johnson said that the Screening Committee has given us three qualified names, and it is now up to the Board to vote for the individual they feel is best suited. The names are: Keith Bergman, Richard Brown and Bernard Lynch. Miss Towle - Mr. Lynch; Mr. Ready - Mr. Lynch; Mr. Emerson - Mr. Lynch; Mr. Blomgren - Mr.Lynch and Mr. Johnson - Mr. Lynch. Mr. Johnson said that the vote is unanimous and that Mr. Lynch deserves and has earned the job. Mr. Lynch then came back to the meeting, and Mr. Johnson told him that the Board has unanimously voted to offer him the job as Town Manager.

Ed Shanley, New England Telephone Company, was present with a joint petition to move a pole on Parkhurst Road so that it will not block the driveway to a new office building. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Mr. Shanley then presented a NET petition to erect a stub pole on Dalton Road to support the line on Clear Street. This line is now on an oak tree that is being taken down. Mr. Ready said he had received a phone call from an elderly abutter who asked if we can't do something other than a stub pole. Mr. Shanley said no, that they have tried putting in larger poles to support the line and it doesn't work. The pole and guide wires would be on Town land. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

Donald Howard, 210 Concord Road, was present to request permission from the Board to store three "classic" cars in various stages of restoration on his property. He said he does not have garage space for them at present but does keep them covered. Mr. Johnson thanked him for coming to the Board for this permit, and that it is the intent of the by-law to prevent junk cars from being stored on resident's properties. Motion by Miss Towle, seconded by Mr. Ready for discussion, to grant permission for Mr. Howard to keep three classic cars on his property. Mr. Ready asked if he sells cars and Mr. Howard said

no. Mr. Blomgren asked him to state yearly his intentions for the following year and Mr. Johnson said that a letter would be sufficient. The vote on Miss Towle's motion was unanimously in favor.

Marshall Reavis, Manager Mobil Oil Corp., was present regarding the **transfer of the underground storage license at 93 Chelmsford Street from Amoco Oil Co. to Mobil Oil Corp.** The tanks hold 40,000 gallons, which will be sufficient for future use, and were tested in June. The Board has the results of the tests. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the transfer.

Brian Loranger was present regarding his application for a **Class II Auto Dealer's license at 297 Littleton Road.** A Public Hearing was held at the Board's last meeting on this application and it was debated whether he needed a Class II or III license. Mr. Lynch said that after further discussion with Mr. Loranger it is a Class II license that he needs. Mr. Loranger showed a plot plan of Bays 3 and 4 at 297 Littleton Road and said that a license for 3 cars would be sufficient. Motion by Miss Towle, seconded by Mr. Ready, unan. to **grant a Class II Auto Dealer's license, restricted to 3 vehicles, to Brian Loranger for Bays 3 and 4, 297 Littleton Road.**

Police Chief Raymond McKeon addressed the Board on the rising **crime rate in Chelmsford,** which has been noted in the local press. The Chief said he wants to reinforce the fact that Chelmsford is still a very safe town, and that the basic increase has been in property crimes, not violence. Crimes the first six months of last year were way down, but more have been reported this year, and other towns have the same problem. He feels the reasons for this are: dope users looking for money to get fixes, taking articles from homes that can be easily sold to a fence. He added that Chelmsford's crime clearance rate is 34%, higher than the national average. The loss of the traffic squad has cut down on police visiblity, which is a good crime deterrent. He also feels that we are getting the overflow from Lowell. His recommendations to halt this increase are projects like leaving "good and bad" cards on locked and unlocked cars in parking lots, to encourage people to lock their cars and continuing the Crime Watch Program run by Officer Ron Gamache. He also noted that from Monday through Friday the Town's population increases to 100,000+ during working hours.

Board members had no **reports.** The Town Manager reported that there is a vacancy on the Rent Control Board.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Hazel Emerson, Wilbur Davis and Fanchon Larson to the Council on Aging, as recommended by Director Martin

Walsh.

Dates for the **Special Town Meeting** were discussed. The election for Town Meeting Reps. is September 19, and it was decided to have an informational meeting for the new reps on October 5th and hold the STM on October 12th. Motion by Miss Towle, seconded by Mr. Ready, unan. to hold the meetings on these dates.

Motion by Miss Towle, seconded by Mr. Ready, unan. to grant a one-day beer and wine license to St. Vartanantz Church for September 17.

Under the budget discussion, Mr. Lynch said that the Board has received copies of the department assessment impacts, and Mr. Lynch said he feels we can live with these 10% cuts. Mr. Ready asked if by taking $50,000 from the Fire Dept. that means we will close stations on a rotating basis, and Mr. Lynch said he will discuss that with the Chief, but it will be a sporadic, not permanent closing.
Mr. Lynch will re-check the savings on opening the polls later.
Motion by Mr. Emerson, seconded by Miss Towle, unan. to recommend the budget as proposed. Mr. Blomgren asked Mr. Lynch for more figures and assessments.

Under **New Business**, Miss Towle said there appear to be two abandoned cars at 219 Riveneck Road and wants them checked out. She also requested that a letter be sent to the new owners of Mrs. Nelson's Candy House asking them if the Cinema still needs to run the "No Parking" flyer.
Motion by Mr. Ready, seconded by Mr. Blomgren, to notify the School, Police, Fire and Civil Defense departments and also the surrounding towns that the Town of Chelmsford is celebrating Halloween the last Sunday in October from 5:00 - 8:00 pm. Vote was 4 in favor, 1 opposed (Miss Towle).
Mr. Blomgren asked the Town Manager to contact the two firms in town that deliver food to discuss their driving and accident rates.

At 9:25 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to Executive Session to discuss the Board's offer to the Town Manager. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson said that they would not be returning to open session and that there would be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Town Clerk

RECEIVED
89 OCT 13 AM 11:12
TOWN OF WINDHAM
TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, September 11, 1989. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson, and Mr. Blomgren. Bernard Lynch, Executive Secretary, was also present.

Chairman Johnson called the meeting to order at 8:15 p.m.

Motion by Miss Towle, seconded by Mr. Ready, unan. to proclaim September 17 - September 23 as Emergency Medical Services Week.

Motion by Mr. Ready, seconded by Mr. Emerson, to approve the minutes of August 21, 1989, Regular and Executive. Miss Towle abstained since she was not at the meeting.

The Board went on to the appointment of the Town Manager. Mr. Lynch left the room, since he is a candidate. Mr. Johnson said that the Screening Committee has given us three qualified names, and it is now up to the Board to vote for the individual they feel is best suited. The names are: Keith Bergman, Richard Brown and Bernard Lynch. Miss Towle - Mr. Lynch; Mr. Ready - Mr. Lynch; Mr. Emerson - Mr. Lynch; Mr. Blomgren - Mr.Lynch and Mr. Johnson - Mr. Lynch. Mr. Johnson said that the vote is unanimous and that Mr. Lynch deserves and has earned the job. Mr. Lynch then came back to the meeting, and Mr. Johnson told him that the Board has unanimously voted to offer him the job as Town Manager.

Ed Shanley, New England Telephone Company, was present with a joint petition to move a pole on Parkhurst Road so that it will not block the driveway to a new office building. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.
Mr. Shanley then presented a NET petition to erect a stub pole on Dalton Road to support the line on Clear Street. This line is now on an oak tree that is being taken down. Mr. Ready said he had received a phone call from an elderly abutter who asked if we can't do something other than a stub pole. Mr. Shanley said no, that they have tried putting in larger poles to support the line and it doesn't work. The pole and guide wires would be on Town land. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve.

Donald Howard, 210 Concord Road, was present to request permission from the Board to store three "classic" cars in various stages of restoration on his property. He said he does not have garage space for them at present but does keep them covered. Mr. Johnson thanked him for coming to the Board for this permit, and that it is the intent of the by-law to prevent junk cars from being stored on resident's properties. Motion by Miss Towle, seconded by Mr. Ready for discussion, to grant permission for Mr. Howard to keep three classic cars on his property. Mr. Ready asked if he sells cars and Mr. Howard said

no. Mr. Blomgren asked him to state yearly his intentions for the following year and Mr. Johnson said that a letter would be sufficient. The vote on Miss Towle's motion was unanimously in favor.

Marshall Reavis, Manager Mobil Oil Corp., was present regarding the **transfer of the underground storage license at 93 Chelmsford Street from Amoco Oil Co. to Mobil Oil Corp.** The tanks hold 40,000 gallons, which will be sufficient for future use, and were tested in June. The Board has the results of the tests. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve the transfer.

Brian Loranger was present regarding his application for a **Class II Auto Dealer's license at 297 Littleton Road.** A Public Hearing was held at the Board's last meeting on this application and it was debated whether he needed a Class II or III license. Mr. Lynch said that after further discussion with Mr. Loranger it is a Class II license that he needs. Mr. Loranger showed a plot plan of Bays 3 and 4 at 297 Littleton Road and said that a license for 3 cars would be sufficient. Motion by Miss Towle, seconded by Mr. Ready, unan. to **grant a Class II Auto Dealer's license, restricted to 3 vehicles, to Brian Loranger for Bays 3 and 4, 297 Littleton Road.**

Police Chief Raymond McKeon addressed the Board on the rising **crime rate in Chelmsford,** which has been noted in the local press. The Chief said he wants to reinforce the fact that Chelmsford is still a very safe town, and that the basic increase has been in property crimes, not violence. Crimes the first six months of last year were way down, but more have been reported this year, and other towns have the same problem. He feels the reasons for this are: dope users looking for money to get fixes, taking articles from homes that can be easily sold to a fence. He added that Chelmsford's crime clearance rate is 34%, higher than the national average. The loss of the traffic squad has cut down on police visiblity, which is a good crime deterrent. He also feels that we are getting the overflow from Lowell. His recommendations to halt this increase are projects like leaving "good and bad" cards on locked and unlocked cars in parking lots, to encourage people to lock their cars and continuing the Crime Watch Program run by Officer Ron Gamache. He also noted that from Monday through Friday the Town's population increases to 100,000+ during working hours.

Board members had no reports. The Town Manager reported that there is a vacancy on the Rent Control Board.

Under **Unfinished Business** motion by Miss Towle, seconded by Mr. Ready, unan. to appoint Hazel Emerson, Wilbur Davis and Fanchon Larson to the Council on Aging, as recommended by Director Martin

Walsh.

Dates for the **Special Town Meeting** were discussed. The election for Town Meeting Reps. is September 19, and it was decided to have an informational meeting for the new reps on October 5th and hold the STM on October 12th. Motion by Miss Towle, seconded by Mr. Ready, unan. to hold the meetings on these dates.

Motion by Miss Towle, seconded by Mr. Ready, unan. to grant a one-day beer and wine license to St. Vartanantz Church for September 17.

Under the budget discussion, Mr. Lynch said that the Board has received copies of the department assessment impacts, and Mr. Lynch said he feels we can live with these 10% cuts. Mr. Ready asked if by taking $50,000 from the Fire Dept. that means we will close stations on a rotating basis, and Mr. Lynch said he will discuss that with the Chief, but it will be a sporadic, not permanent closing.
Mr. Lynch will re-check the savings on opening the polls later.
Motion by Mr. Emerson, seconded by Miss Towle, unan. to recommend the budget as proposed. Mr. Blomgren asked Mr. Lynch for more figures and assessments.

Under **New Business**, Miss Towle said there appear to be two abandoned cars at 219 Riveneck Road and wants them checked out. She also requested that a letter be sent to the new owners of Mrs. Nelson's Candy House asking them if the Cinema still needs to run the "No Parking" flyer.
Motion by Mr. Ready, seconded by Mr. Blomgren, to notify the School, Police, Fire and Civil Defense departments and also the surrounding towns that the Town of Chelmsford is celebrating Halloween the last Sunday in October from 5:00 - 8:00 pm. Vote was 4 in favor, 1 opposed (Miss Towle).
Mr. Blomgren asked the Town Manager to contact the two firms in town that deliver food to discuss their driving and accident rates.

At 9:25 pm motion by Miss Towle, seconded by Mr. Ready, to adjourn to Executive Session to discuss the Board's offer to the Town Manager. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson said that they would not be returning to open session and that there would be no announcements.

For the Board of Selectmen, by

Judith E. Carter

Town Clerk

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF SELECTMEN
SEPTEMBER 25, 1989

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89 OCT 13 AM 11:18
TOWN CLERK
MARY E. [illegible]

MEMBERS PRESENT: Mr. Johnson, Ms. Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Mr. Lynch, Town Manager, was absent.

7:05 PM - PROCLAMATION: Ms. Towle read the Knights of Columbus Days for the Handicapped Proclamation. Ms. Towle made a motion to accept the Proclamation, 2nd Mr. Ready, unanimous. Mr. Jerry Lyons accepted the Proclamation on behalf of the Knights of Columbus.

7:10 PM - EXECUTIVE SESSION: Ms. Towle made a motion to go into Executive Session for the purpose of discussing collective bargaining and issues relating to litigation, 2nd Mr. Ready, unanimous. Roll-call vote: Ms. Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; and Mr. Johnson-Aye. **PLEASE SEE EXECUTIVE SESSION MINUTES.**

7:30 PM - CALL TO ORDER: Mr. Johnson called the meeting to order.

APPROVAL OF MINUTES: Ms. Towle made a motion to approve the minutes of September 11, 1989, 2nd Mr. Ready, unanimous.

7:35 PM - ROADSIDE VENDORS LICENSE RE: GREGORY SPRING: Mr. Spring was present requesting a Roadside Vendors License for the second year to sell Christmas trees at Sully's Ice Cream, 55 Graniteville Road, from December 1 - 24 10AM-10PM. Mr. Sullivan, owner of Sully's, provided a written endorsement. Ms. Towle made a motion to approve the Roadside Vendors License, 2nd Mr. Ready, unanimous.

7:40 PM - CHANGE OF MANAGER RE: PAPA GINO'S: Bonnie Griskevich was present requesting a change in manager. Ms. Griskevich has had 3 1/2 years of management training as well as a bartending course and is now second in position from General Manager. Mr. Ready stated that there have been no problems in the past with the serving of minors, etc., however, the liquor license should be clearly displayed for the public. Ms. Towle made a motion to approve the change in manager, 2nd Mr. Ready, unanimous.

7:45 PM - PUBLIC HEARING - COMMON VICTUALER'S LICENSE RE: SUNOCO FOOD MARKET: Pamie Havern, Division Manager and Connie, Local Manager, were present. Ms. Havern presented the Board with the return receipts from the certified mailing notification to abutters. Mr. Johnson asked John Harrington, Sign Advisory Member, to speak. Mr. Harrington stated that Sunoco Foods sign does not comply with the sign bylaw. Ms. Havern stated that if there is a problem it will be corrected. Mr. Harrington stated that there has been problems in the past with Sunoco, i.e., illegal a-frame sign. They appeared before the Board of Appeals but put up a different sign. Mr. Harrington stated that they do everything after the fact. Mr. Harrington stated that when they recently applied for a new sign, he physically measured the sign and it was 17 feet bigger than what was applied for. Mr. Harrington suggested that Sunoco investigate the cities and towns they move into for proper compliance. Ms. Towle felt that the BOS should not do anything until the sign issue is resolved. Mr. Ready stated that they are doing business without a license and are now violating the law. Mr. Ready asked if any work

had been performed relating to the gasoline tanks. Ms. Havern stated that there has been some repiping and testing of the tanks, but the sizes remain unchanged. Mr. Ready asked that a copy of the test results be forwarded to the BOS office. Mr. Ready stated that the Traffic & Safety Committee has concern about the directional arrows at the pumps. If a person follows the arrows, only cars with gas tanks on the right can utilize the pumps. Mr. Ready stated that it is nearly impossible to bring the hose over the car for a left side gas tank. Ms. Havern stated that they will reverse the arrow for the pumps closest to the store. Mr. Reading complimented Ms. Havern on the landscaping. Mr. Blomgren asked how long it would take to correct the sign. Ms. Havern stated that she would have to check with Engineering but felt that it could be 4 weeks. Mr. Blomgren made a motion to grant a conditional Common Victualer's License for one month and have the Town Manager investigate and if the sign violation has not been corrected at that time, the BOS will pull the license and shut them down, 2nd Ms. Towle, unanimous. Mr. Blomgren asked that the gasoline storage license be checked as well for the proper transfer.

REPORTS - MS. TOWLE: Ms. Towle reported that she went out in a police cruiser for 3 hours Friday night and had an opportunity to observe how an officer operates. Ms. Towle stated that the Town should be very proud of the Police Department.

NEW BUSINESS - MS. TOWLE:

PUBLIC SAFETY REPORTS: Ms. Towle asked that a meeting be scheduled to review the MMA public safety reports.

DOMINO'S PIZZA: Ms. Towle stated that she received a complaint from a resident that Domino's will be not servicing part of East Chelmsford. This was not reported to the BOS when they came in for their license. Ms. Towle made a motion to ask the manager to come to a meeting to explain, 2nd Mr. Ready, unanimous. Mr. Blomgren asked that the Traffic & Safety Committee look into the safety record of Domino's.

NEW BUSINESS - MR. EMERSON:

BRAMBLE'S: Mr. Emerson asked that a call be made to Bramble's (formerly Howard Johnson's) to check if there had a been a change in manager or owner.

FISCAL PLANNING ADVISORY BOARD: Mr. Emerson read the following letter: "In 1991 we face a deficit of $3,000,000 to $4,000,000. It would be totally irresponsible not to recognize that a shortfall of this magnitude would be catistrophic. Cuts in the 1990 budgets already go deeper thanmost people realize or find acceptable. It is not too soon to organize a drive for an over-ride of Proposition 2 1/2. The townspeople must be educated to the fact that an over-ride is absolutely necessary and that unless successful, the alternatives will be more costly and more painful.

About a month ago, Selectman Blomgren proposed, as we approved a committee to be known as a Program for Employee/Taxpayer Involvement. This committee is to be comprised of the Town Manager, the Town Accountant, the Town Treasurer, a Large Department Head, a Small Department Head, a Large Union President and a Small Union President.

I move that this committee be expanded by 9 citizens; each one being the top vote-getter in their respective precinct, in the recent election of Town Meeting Representatives, and that this committee be charged with the study, organization andf implementation of an over-ride to supplement the funding of our 1991 budget."

Mr. Emerson stressed that this motion does not attempt to stipulate amounts. Mr. Johnson stated that this was an excellent idea and that there was not question that in 2-3 years the shortfall will be a reality unless we take action now. Mr. Ready suggested that each precinct appoint a member from each delegation and put it as an article on the STM warrant. Mr. Ready felt this created an excellent cross-section. Mr. Ready was concerned about a conflict of interest if he served on the committee.

After some discussion, Mr. Emerson made a motion to instruct the Board of Selectmen to form a committee charged with the study, organziation and implementation of an override to supplement the funding of the 1991 budget. The members of this committee to be comprised of the Town Manager, Town Accountant, Town Treasurer, Large Department Head, Small Department Head, Large Union President, Small Union President, and one member from each precinct elected by that delegation of newly elected Town Meeting Representatives, 2nd Ms. Towle, unanmimous.

NEW BUSINESS - MR. JOHNSON:

SHEILA AVENUE: Mr. Johnson requested that Patrick Daley, Safety Officer, investigate Pole #2 on Sheila Avenue for a street light. It is very dark and that the new Senior Center may be a potential vandalism site.

WESTFORD STREET: Mr. Johnson stated that a transformer is going to be installed on the pole at 65 Westford Street. Mr. Johnson stated that Mr. Raymond Judge of 65 Westford Street has requested that this transformer be located on a different pole. Mr. Johnson asked that a call be made to Mass Electric for their input.

CALL OF SPECIAL TOWN MEETING: Mr. Johnson called the Special Town Meeting for October 12, 1989 at 7:30 p.m., Town Office Gymnasium, 50 Billerica Road.

WARRANT ARTICLES SUMMARY: Mr. Johnson gave a brief description of the following articles: Fire Union Settlement (if ready); School Union Settlement; Free Cash for additional solid waste costs; Free Cash for Florence Ramsey's sick day buyout; Free Cash for the Town Manager's Salary; Discontinue Brook Street; Eminent Domain for Cemetery Commission; Budget Balancing Action; Decrease Finance Committee Reserve Fund for Budget Balancing; Planning Board Redefinition of Home Occupation; and Committee voted on earlier to be known as Fiscal Planning Advisory Board.

MOTION TO ADJOURN: Ms. Towle made a motion to adjourn the meeting at 8:25 p.m., 2nd Mr. Ready, unanimous.

Submitted for the Board of Selectmen

Beth A. Kinney

Beth A. Kinney

town Clerk

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TOWN CLERK

Regular meeting of the Board of Selectmen held Thursday, October 12, 1989 at McCarthy Middle School. Members present were: Mr. Johnson, Miss Towle, Mr. Ready, Mr. Emerson and Mr. Blomgren. Town Manager Bernard Lynch was also present.

Chairman Johnson called the meeting to order at 6:45 p.m.

Sheldon Bishov, Chairman of the Council for Chelmsford Schools presented the Board with petitions containing over 1,000 signatures collected at Open Houses at the various schools. The Council is made up of PTO Presidents, parents and representatives from all the schools. Their first goal is to promote the well being of the students. The parents decided to form this council because they feel that educated children become educated citizens. The Council is aware of state cuts and local problems but still want quality education.
Mr. Johnson said that the Board is very aware of the need for quality education and want to keep Chelmsford's good school system. He told the group that Article 13 on the STM warrant is to form a committee to look into raising more funds. Mr. Ready commented that the Board is supportive of the schools and the school budget should be higher after the cuts tonight than before. The Mass. Municipal Association is trying to put on a ballot question that 40% of the state revenue goes back to the cities and towns, and he asked the Council members present to sign the petitions. Mr. Blomgren asked for a copy of the Council's by-laws and said that we can't keep all the services and programs going in the Town, that the Council will have to work hard, and asked what they wanted from the Board. Mr. Bioshov said nothing specific, just a general statement of support. The Board said that we should share the wealth, and not be divisive. A council member said they want the Board to know that they are not small interest groups, and need direction from the Board. Another member added that quality education affects the whole Town, and they want to keep the programs going.

William Chandler, co-owner of "Pockets" billiard parlor, was present to discuss their hours of operation with the Board. They had originally applied for the hours of 11:00 am - 11:00 pm but have found that other towns are open later, and they need an extra hour or two in the evening to remain competitive. Mr. Johnson said that it is early for a request of this type, that they need a 6 month - 1 year track record. This was one of the neighbors objections, and he told them to come back in one year with a good police report. Board members agreed, and Mr. Emerson said that he is disappointed that they are back after only 2 weeks of operation. Mr. Chandler said they don't want to offend Board members, and were naive when applying for their license. Motion by Mr. Blomgren, seconded by Miss Towle, unan. that they be allowed to withdraw their request without prejudice and come back in 6 months.

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Ed Shanley, **New England Telephone Company**, was present with a request to install 15 feet of **underground conduit** in the unpaved portion of **Parkhurst Road**. Motion by Miss Towle, seconded by Mr. Ready, unan. to approve this request.

Barbara Fortier, 42 Carlisle Street, was present with an application for a **Roadside Vendor's** license to sell Christmas trees and wreaths at her home. She had received a variance from the Board of Appeals on September 28, and also presented a petition of approval from all her direct abutters. She said it will be a very limited business - between December 2 and December 23 they hope to sell 100 trees and 50 wreaths. Her home is on the corner of Carlisle Street and Oak Knoll Avenue, and the entrance is from Oak Knoll. There will be no parking on Carlisle Street. The Board of Appeals granted the variance for a period of one year. She has two partners, and their first commitment is to their regular jobs.
Mr. Johnson said he is having a problem with vendors operating in areas not zoned for business, and feels they compete with established businesses, and asked where are we going to draw the line and how many more do we want to grant. Miss Towle said that the neighborhood has no problem with this application, and Mr. Ready said if they find no problem, he would go along with it. Mr. Emerson said the fact that the Board of Appeals has granted a variance must mean there is no problem. Motion by Miss Towle, seconded by Mr. Ready, to grant the license. Vote was 4 in favor, 1 abstention (Mr. Blomgren).

Under **Reports**, Mr. Johnson said that the Town of Westford has agreed to also celebrate Halloween the last Sunday in October, and commended Mr. Emerson and Mr. Ready for their efforts in promoting this practice.

Town Manager Appointments - Mr. Lynch said one of his first goals is implementing a Department of Public Works, and he feels it should be done quickly, in view of FY91 shortfalls. He had several people in mind, but has appointed Town Engineer **James Pearson as Director of Public Works** as authorized under the Charter. He is asking the Board for their support of this appointment. Motion by Miss Towle to support, seconded by Mr. Blomgren for discussion. Mr. Emerson asked if the position had been advertised and Mr. Lynch said Yes, in the MMA Beacon, but he has received no resumes yet. He felt this was a good chance to promote from within. Mr. Lynch said he is now making $46,000 a year, and feels that as DPW Director and Town Engineer he should make $50,000. This will save the Town money by not hiring an additional person, and there is money in the DPW budget. Mr. Blomgren said he has no problem with the person appointed, but wants to see a job description. Mr. Johnson stated that the Town Manager is only extending a courtesy to the Board by asking for their support, that it is his choice. He said that he had worked with Mr. Pearson for 5 - 6 years on the Planning Board and feels that he has made the position of Town Engineer a professional

job.
Mr. Emerson noted that Mr. Lynch is under close scrutiny right now, and wouldn't recommend Mr. Pearson if he wasn't sure that he was right for the job.
Motion by Miss Towle, seconded by Mr. Ready (who commented that he was on the screening committee that appointed Mr. Pearson as Town Engineer). Mr. Blomgren said that the Board has 15 days to support a Town Manager's appointment, and in the future the Board might want to interview his choice. There should be some type of process. Vote on Miss Towle's motion to support was 4 to 1 (Mr. Blomgren) opposed. Mr. Blomgren then asked for a show of unaminity. Motion by Miss Towle, seconded by Mr. Ready, unan. to support Mr. Lynch's appointment.

Under **New Business**, Mr. Blomgren said that there has been a car sitting at 225 Main Street for 3 years now, and he would like it checked out and removed.
He asked Mr. Lynch to remind the Police Chief that Mass. Bituminous cannot be open on Sundays.
He asked about road openings, and Mr. Lynch said he has met with the Sewer Commission and after November 15 they will not be working on main roads. Mr. Blomgren said he wants reasurance from the Sewer Commission that Duck Island can handle Chelmsford, and also would like the Sewer Commission to start coming in monthly for an update again. He feels we should buy into something like NESWC, and Mr. Lynch said he has met with the Solid Waste Advisory Committee and they are working on various possibilities, including Shirley.

Motion by Miss Towle, seconded by Mr. Ready, unan. to request **streetlights** be installed on Sheila Avenue and Dunstable Road as recommended by the Safety Officer.

Motion by Miss Towle, seconded by Mr. Ready, unan. to **approve the transfer of the underground storage licenses on Drum Hill Road and Chelmsford Street from Gulf Oil to Cumberland Farms,** to be sent with a letter of reprimand for the way in which it was handled.

Under **Warrant Articles**, Mr. Johnson asked why Article 5 asks for $7,085 - is that only for 9 months, and Mr. Lynch said yes, until July 1, 1989.

At 7:25 pm motion by Miss Towle, seconded by Mr. Ready, to **adjourn to Executive Session** to discuss collective bargaining. Roll Call vote was as follows: Miss Towle-Aye; Mr. Ready-Aye; Mr. Emerson-Aye; Mr. Blomgren-Aye; Mr. Johnson-Aye. Mr. Johnson said they will not be returning to open session.

For the Board of Selectmen, by

Judith E. Carter

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TOWN CLERK

Regular meeting of the Board of Selectmen held Monday, November 20, 1989. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness. Town Manager Bernard Lynch was also present.

During **Open Session** Mark Gauthier, Chairman of the **Library Trustees**, told the Board about an Endowment Fund that has recently been established for the expansion and improvement of library facilities, both fiscal and physical. Jim Decker, Treaasurer of the Friends of the Library, presented a check for $10,000 to Mr. Gauthier. They asked that other organizations will also donate, and Mr. Gauthier thanked the Friends for their generous gift. He added that the criteria for matching funds from the state is for the Town to put up 25% to show good faith.

David Nolet was present requesting a **Roadside Vendor's license** to sell Christmas trees at 83 Groton Road from November 27 - December 24, at Marty's Bait Shop. He has sold trees there before. Mr. Johnson said the Board will vote on this with other applications under Unfinished Business.

Martin Posner, 28 Algonquin Road, addressed the Board about the armed robbery that took place at BayBanks on November 1, and the robbers were caught by Chelmsford Police. He feels our police department did such a good job that he has started a **Chelmsford Police Appreciation Fund** and he and Attorney Joe Shanahan have made the first donations.

Chairman Johnson **called the meeting to order** at 7:30 p.m.

Motion by Mr. Ready, seconded by Mr. Emerson,to **approve the minutes** of October 23rd. Vote was 3 in favor, 1 abstention (Mr. Blomgren).

At 7:30 p.m. a **hearing** was held on **Classification of the tax rate**. Chairman of the Board of Assessors Diane Phillips said the Assessors are recommending that the Town continue to classify, but that all information has been given to the Board of Selectmen. Ms. Phillips added that 30% of Commercial and Industrial and 36% of residential property owners have applied for abatements this year, which is much higher than the 8% who applied in 1986, the year of the last revaluation. These requests for abatements are due to the increase in land values. Mr. Emerson asked if the vacancy rate has anything to do with the commercial and industrial properties, and Ms. Phillips said the current vacancy rate is about 25%
Assessor Dick Tevlin was present speaking as a resident and an individual member of the Board of Assessors and saying that he has studied Prop. 2 1/2 and tax rate Classification. He believes strongly in Prop. 2 1/2. $11.81 is the level rate and in past

years we have classified at 5%, and this year he is asking for a 15% increase in the commercial rate, and gave his reasons. He noted that Billerica and Burlington have gone to a 50% increase and he doesn't think that a 15% increase will cause businesses to move from Chelmsford.
Mr. Johnson said that his first two years as a Board member he voted against Classification and that all Mr. Tevlin's arguments for a higher rate can be reversed. He doesn't think that other Town's businesses will move to our Town because of a lower classification. Mr. Ready asked if he is asking to set the rate at 115% and Mr. Tevelin said yes, that you save $40. per year on a $200,000 house at 5%.
Hank Hamelin spoke for a newly formed group of business people who want to help both the Town and businesses, and they feel classification hurts business. They don't get trash pick-up or use the school system. They are not taking in more money but paying more for taxes, licenses, permits, etc. and as a group oppose rate classification.
Attorney Jim Geary said that he agrees with Mr. Tevlin but the issue is one of fairness. Clasificiation has 3 parts: 1. full and fair cash value; 2. classification by use; 3. third phase optional - up to the governing body. He stated that Westford rejected classification. He added that the issue of fairness is crucial, that the process failed because of faulty valuation and now has to be done every three years. Businesses object to the double standard but are willing to pay their fair share.
Mr. Emerson said he is opposed to classification and feels it was not designed for towns like Chelmsford but designed for older, industrial type cities. He is as opposed to it now as he ever was.
Mr. Ready moved to set the classification rate at 105% where it has been. His reason for 105%, and not 115 or 120, is that he wants to see industry pay for sewer construction. At 5% the difference in rate is $.81 and sewer bonds cost app. $.88. He thinks 5% is fair and equitable. Mr. Emerson seconded the motion to keep the rate where it is. Mr. Blomgren said we could go up to 45% but he supports remaining where we are -commercial property does put a burden on the community. Mr. Johnson said he does not like the word "burden". He said a Task Force advertised 15 years ago for new business in Town, and that businesses are not a burden but an asset. He goes along with the 5% begrudgingly.
Barry Balan asked Mr. Ready to amend his motion to keep classificiation at 5% for 5 - 10 years, and Mr. Ready said we can't - that by law it has to be set yearly, but he will personally promise not to go above 5%.

Ed Shandley was present from **New England Telephone Co.** to discuss the petition presented at the last meeting re **apparatus** being placed on **Acton Road.** Mr. Ready said he believes the objection was that the Chelmsford Children's School was not notified as an

abutter. Timothy Law, a Trustee of the School, was contacted by New England Telephone Company last spring and they had asked to put the apparatus on their property originally and they suggested land on the opposite side of the road. He referred them to Atty. Mark Gauthier but the deed was never recorded. They had a Purchase and Sales agreement with the Wetmores but the bank's attorney did not put that small piece of land in the deed. A confirmatory deed is now being prepared. The school has questions on the size and location of the apparatus. Mr. Johnson suggested that the school get together with the phone company and then come back to the Board when they have reached an agreement. Mr. Emerson said he agrees, that the Board shouldn't get into their negotiations. Mr. Shandley told Peggy DeStefano that they weren't notified because their records don't show them as the owner of record, and that Bob DeFossett will meet with them next week.

Mr. Emerson then stated that there are **double poles** all over town, and Mr. Shandley said he has brought with him Joe Santos, the District Manager, who will give an update on double poles. Mr. Santos said there is a coordination problem with all utilities, the company has created the position of pole coordinator, and they have done a survey in each town. The total number of double poles in Chelmsford is 584. 213 are waiting for Mass. Electric to remove their wires, 54 waiting for fire alarm wires and 350 for cable TV wires. Mr. Santos said they hope to get 150 poles cleared off within 3 weeks and removed. Mr. Emerson asked if they would report their progress on a monthly basis. Mr. Ready commented that when he was working with Citizens for a Cleaner Chelmsford he picked up 3 trash bags full on Elm Street and asked that they police the grounds when poles are removed. The Board asked about stub poles - is there any way to do away with them? Mr. Santos said that the added weight of larger cables and transformers requires stub poles, and said that fiber optic cables are much lighter. Mr. Johnson suggested that we have Mr. Santos and representatives from Mass. Electric and Lowell Cable attend a future meeting to discuss the problem of double poles.

A **Public Hearing** was then held on the application of **Subway Sandwich Shop** for a **Common Victualer's license** to be exercised on the premises at the Market Place on Summer Street. Attorney Joseph B. Shanahan, Jr. representing the St. Peters, said they have signed a lease for Bay #1. Subway Sandwiches and Salads have 2900 franchises nationwide, and the St. Peters have obtained a Special Permit from the Board of Appeals for a fast food facility. The only cooking done on the premises is microwave. The St. Peters both have experience in the food business, as does their proposed manager. The hours of operation would be 10 am - 12 midnight seven days a week, and they can seat 36 persons. They assume that about 40% of their business will be takeout, and there is no alcohol allowed under the franchise agreement. No one present spoke in favor of or opposition to this license. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve.

American Legion Post 313 was present requesting a change in manager from Raymond Lauziere to Raymond LaVie. Mr. Johnson said he has known Mr. LaVie for many years, and the Criminal Systems History Board reports that he has no criminal record. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the change in manager.

A Public Hearing was held on the application of Jimmy's Pizza and Seafood for a Beer and Wine License. Attorney Shanahan represented the applicant Elias Theofolopoulos (Lou), who immigrated from Greece in 1969. He started working at Alpine Lane then, then went to Billerica and came back to the Alpine Lane location in 1981. One son works with him and his other two sons attend Chelmsford schools. This license would complement his menu. The hours of operation would be 11 am - 11 pm, on 1700 square feet with 40 seats and no change in operation. Mr. Ready says he has one concern - if you can't see all the seats from the service counter, why couldn't minors be drinking. Mr. Shanahan said that they are very vigilant, and many operations don't have complete visibility. Mr. Emerson said he has no problem but asked that any beer and wine sign not be visible from the street. Mr. Shanahan asked that they would like a sign for 30 days to make the public aware that they are serving beer and wine. Lou said that app. 50% of his business is takeout, and Mr. Shanahan said that they want to keep the 50% of restaurant business that they now have, and added that they have more parking than most establishments in Parlmont Plaza. He added that Lou will familiarize himself with the serving of alcohol and Mr. Blomgren said that he wants to see him take a seminar. Mr. Johnson noted that Mr. Theofolopoulos has a proven track record, and has a family-run business. No one present was in favor of or in opposition to this application. Mr. Johnson said the Board will vote at the next meeting.

Thomas Moran, 19 Dennison Road and a Town Meeting rep, addressed the Board with input on the budget process. He gave a handout which included a petition with 900+ signatures against the closing of the West Fire Station, which was Article 9, line 59 on the warrant for the October 12 Special Town Meeting. He included the safety study completed last March. He said he feels the implementation of Article 9 will result in the closing of the West Station. He first thought this would be a periodic closing but it now appears to be more permanent. Mr. Moran then went over the details of calls and medical emergencies. Union President Bill Dalton said that inspections are not included in these numbers. Mr. Moran said he recommends that we find money from free cash, increased fees, etc. and keep the station open. Mr. Johnson said the Board has discussed the closing of a station with the Town Manager and we are all aware of the concerns. Mr.

Lynch said that the public safety study recommended consolidating civilian dispatchers with police and fire, that public safety is a very sensitive area and they don't recommend closing stations. If one were to be closed, it would be the West, based on geography. We are looking for alternatives to "dodge the bullet this year" and hesitate to use Free Cash. Mr. Moran said he realizes that the financial problem is getting worse. Mr. Ready said he is also concerned about the closing of the West station but the Board has given the Town Manager a vote of confidence to find alternatives.
Lorraine Lambert said that $1.75 per household is not much to pay to save a life and please consider that.
Mr. Dalton commented that Joe Tomasino, Dept. of Revenue, said that Chelmsford didn't apply for emergency aid, and Mr. Lynch will check on the correspondence, which he is sure was sent.

Attorney William Ricco, 11 Summer Street, was present for a **Public Hearing** on the application of Bill and Alice Contardo for a **Common Victualer's license to sell TCBY frozen yogurt** at Courthuse Square. They are a Chelmsford family, and their two daughters will be helping. They had run the Croissant Restaurant at the Melting Pot in Lowell. TCBY Yogurt is a strong national franchise with 1900 outlets and they sell frozen yogurt and health food items. They have leased Bay 17 in the Plaza, which is closer to the Parkhurst Road side, and will have 32 seats, with 40% takeout estimated. They have obtained a Special Permit for a fast food establishment from the Board of Appeals. The hours of operation will be from 10:30 am - 11:30 pm. Motion by Mr. ready, seconded by Mr. Emerson, unan. to approve this license.

A **Public Hearing** was scheduled for **Domino's Pizza** for a **Common Victualer's license** but Attorney Shanahan said they want to **withdraw without prejudice** and ascertain that he actually needs a license since it is only a pizza outlet with no provisions for eating on the premises. It is not a restaurant or a fast food outlet. Mr. Shanahan can see arguments for both sides of the issue. He would like to re-submit the application but is asking the Board to check with Town Counsel about the need for a Common Victualer's license - they might only neeed a Food Handler's or Food Service permit.
Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to accept the withdrawal of the application without prejudice and to check with Town Counsel and the Building Inspector about the need for a license.

Kathy Tumminello, Suzanne Workman and Terry Eldridge, members of the **Special Education Parents Advisory Council** met with the Board seeking support for Disability Awareness Week. They told the Board that there are 3600 disabled in Chelmsford, not including the elderly, which amounts to 17% of the citizens. They are

looking for the Board's endorsement. Ms. Tuminello said that local churches, library, Senior Center and schools are all involved, and that the week of January 7th is **Disability Awareness Week** and outlined the plans for the week. They said they are also asking area businesses for financial help. Mr. Johnson told them to come to the December 11th meeting and we will issue a **Proclamation.**

The **Town Manager** reported that he has **appointed** Peter Sexauer to the Cultural Council, and that there is a vacancy on the Handicapped Commission.

Under **Reports, Mr. Ready** reported that he went to the Middlesex County Advisory Board meeting and there was much gloom and doom. The county depends on their revenue from cities and towns, and with the State's bond rating dropping again, this also hurts the County. The Commonwealth owes Middlesex County $33 million in rent for courthouses and the County is turning them back to the Commonwealth under Chapter 261, and have also turned over the employees in the courthouses. They are evicting the state for non-payment of rent.
Mr. Ready also reported that the Town has changed banks and it will be arranged that direcct deposit of employees' paychecks will be made the same day.
He asked that Town Counsel be asked what role the Board should now be playing in grievance procedures.
Mr. Lynch reported that the Fiscal Advisory Committee is looking into anything that will generate some money for the Town.
Mr. Emerson reported that he saw an article in the Lowell Sun re the re-starting of a commuter rail plan between southern New Hampshire and Boston. He asked the Town Manager to look into this and see if the Town could be involved, with maybe a stop in North Chelmsford.
Mr. Blomgren brought up the letter received from the School Dept. re the expense of having Halloween on Sunday nights. Chairman Barbara Ward would like to see it celebrated on the actual night, since school buildings have to have custodians present on Halloween night. He said we have also received letters from the clergy. Mrs. Ward said that we could have Dr. Mullin ask the principals to send home questionnaires to see what night parents prefer. Motion by Mr. Blomgren, seconded by Mr. Ready, unan. to do so. Mr. Emerson asked if we could have the Auxiliary Police man the buildings rather than the custodians, and said that the letter to the parents should point out the reasons that we went to the last Sunday in October - that it was easier for working parents and safer for the children.
Gary Frascarelli noted that people living on the borders of other Towns could have children coming two or three nights.
Mr. Blomgren reported that on November 9th he and Mr. Lynch went to the Lighthouse School. They have done an outstanding job refurbishing the building and he was very impressed with the improvements made, the students and the staff. He commended Mike Pappafagos on a good job.

Mr. Blomgren then gave a slide presentation on the budget problems, noting that we have a common theme with the School Department with the lack of money. He suggested two ideas for fundraisers: a Town vs. School basketball or volleyball game, which should raise $6 -$7,000, and also a Beano program, which could generate an estimated $100,000 - $200,000. Mrs. Ward will take these ideas back to the School Committee. Mr. Ready said that these are excellent ideas, and both should be run by the Ad Hoc Committee.
Mr. Blomgren reported that the Solid Waste Advisory Committee shows that recyclables collected are down from previous months.

Mr. Ready reported that Sgt. Adams has served on the Police Dept. for 40 years and we should send a certificate recognizing this.

Mr. Johnson reported that Christmas tree lighting will take place on the Common on Sunday, December 3rd at 4:00 p.m. He also reported that when they were putting up the lights he noticed that the shingles are coming off the old Canal Toll building, and asked the Town Manager to contact Nashoba Tech to see if their students could replace them.

Mr. Johnson then commented that video stores all have adult sections but that music stores do not, and told of a 13 year old who bought a NWA tape that was a rotten, vulgar excuse for music. His father tried to return the tape and get his money back and couldn't. Mr. Johnson said he wants an opinion from Town Counsel as to whether we can remove tapes like this from display and sale to minors. Mr. Ready said we could find out if this is in violation of our CX zoning by-law.

Mr. Lynch reported that Chief McKeon has been selected to attend a 2 week seminar at the FBI Academy in Virginia, at no expense to the Town.
He reported that the Financial Policy Advisory Committee had its first meeting, which was very productive.
He noted that MMA initiative petitions are due by November 22nd.
He reported that the leaf pick-up went very well.
He gave the Board a list of his goals and initiatives, and will report on a regular basis.

Under **Unfinished Business**, motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the following Roadside Vendor's licenses to sell Christmas trees:
1. Gary's Ice Cream, Gorham Street;
2. Chelmsford Landscaping, Drum Hill Road;
3. Chelmsford Little League, Chelmsford Street;
4. Central Congregational Church, Worthen Street;
5. David Nolet, Groton Road; and

6. Dennis Sinclair, Tyngsboro Road.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to request Massachusets Electric Company to install a 4,000 lumen streetlight on Delmore Drive.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the request of St. John the Evangelist Church for a 1-day all alcoholic license.

When asked by the press, it was stated that the tax rate is $11.59 residential, and $12.40 commercial.

Gary Frascarelli told the Board that the sign on the Lowell Connector stating Welcome to Lowell is blank on the back and would we request the State to have Welcome to Chelmsford put on the back of the sign.

At 10:57 pm motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter

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Regular meeting of the Board of Selectmen held Monday, December 11, 1989. Members present were: Mr. Johnson, Mr. Ready, Mr. Emerson and Mr. Blomgren. Miss Towle was absent due to illness and Town Manager Lynch was away on business.

During the **Open Session** Wayne Richardson was present with a petition regarding the Trailer Park, which he asked the Board to forward to Town Counsel.

The Board also discussed the liquor license at the Princeton Lounge, stating that they do not want to renew it until we have received a letter from the attorney explaining the intended use of the property.

Chairman Johnson **called the meeting to order** and asked for a **moment of silence for former Selectman Gerald Lannan,** who had served 3 terms on the Board and as Chairman for 3 years.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **proclaim Disability Awareness Week.** The Proclamation was accepted by the Parents Advisory Council.

Motion by Mr. Ready, seconded by Mr. Emerson, unan. to **approve the minutes of November 11, 1989.**

Ed Shanley, **New England Telephone Company,** was present with a **petition to erect one pole on Linwood Street** to provide service to a new home. There will be no work done in the street. Mrs. Eva Ouellette, 80 Linwood Street, asked about the wires, cables and fixtures mentioned in the notice to abutters. She had a streetlight at the end of her driveway, which was moved to the next pole 20 years ago, and she wonders if they will have a light again. Mr. Johnson told her that this present Board of Selectmen would not approve moving a streetlight without the Safety Officer's approval. Johnathan Dudek, 77 Linwood Street, said he supports the new pole and the construction. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to approve the placing of the new pole.
Motion by Mr. Ready, seconded by Mr. Emerson for discussion, unan. to have a 4,000 lumen streetlight placed on Pole 89/29 on Linwood Street. James Ouellette, Mrs. Oullette's son, asked if it is possible to put lights on poles 1 and 3, and Mr. Blomgren suggested that we ask the Safety Officer to review this. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to do so.
Mr. Emerson said that at the last meeting we had discussed the **removal of double poles** in the Town. Manager Joseph Santos was present and said that about a week ago they had started removing 135 poles. Cable TV has come off 90 more poles, Mass. Electric is coming off 150 poles, and NET Co. can start giving written monthly reports in January. Mr. Johnson asked him to please report back at the next meeting (January 8). Mr. Blomgren noted that in 1984-85 they gave us periodic work schedule and could they do this again.

At 7:45 p.m. a **Public Hearing** was held on the application of **South Side Subs and Pizza** for a **Commo Victualer's license** on the premises at 333 Acton Road, behind the Village Market. The establishment will be owned and managed by Charles Peters and Pamela Reynolds, and they have a variance from the Board of Appeals. Mr. Ready noted that the Board of Appeals required paving and striping of the parking lot. Ms. Reynolds said they will have seating for 28 people and have public restrooms. Mr. Peters showed the Board a sample menu, and said that he has worked for Drum Hill Subs and Pizza for 4 years as Assistant Manager, and that Ms. Reynolds also worked there for 4 years. Mr. Emerson noted that there is only one restroom for employees and customers and asked if they have been to the Board of Health yet. Mr. Reynolds said No, but that they will follow the Board of Health guidelines. Mr. Emerson said he still questions the one restroom. No one present spoke in favor of or opposition to this license. Mr. Ready moved to grant the Common Victualer license, contingent upon completion of Board of Appeals requirements and approval by the Board of Health, seconded by Mr. Emerson, unan.

Ms. **Eleanor Gilroy**, 14 Temi Road, was present to request the Board for a **Taxi License**. She wants to operate door-to-door ground transportation from Chelmsford to Logan Airport, by reservation only. Her company, Alert Delivery Services, has been in operation since 1981 delivering small packages. She now wants to augment the family income, and Mass Port is encouraging private, multi-passenger transportation. She obtained a Special Permit from the Board of Appeals in 1981, and would only be serving the Town of Chelmsford.
Mr. Emerson said that several years ago his company used Alert Delivery Service and found them very reliable, and Mr. Johnson commented that Chelmsford could use a local transportation service. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to grant this license.

Under **Reports**, **Mr. Ready** reported that we have received an opinion from Town Counsel regarding the Board's position on Collective Bargaining, and the letter basically states that this is up to the Town Manager.
He reported that we have received a letter from the Postmaster regarding the new facility that is being built in Billerica to serve both towns and would like to invite the Postmaster to attend a BOS meeting to explain what they will do after 1995, when their Alpine Lane lease expires, and will they still maintain a facility in Town.
Mr. Ready reported that he has had calls from residents on the Summer Street project asking if the Town will make a deal with the developers for signalization, etc., that this is usually up to the Planning Board and the DPW, but that it is up to the Board of Selectmen to set policy on how to deal with them. They will ask the Town Manager to draft a policy.

He said he wants a report on what has been done with the sandbank in the Highway Dept. yard, and wants to invite the neighborhood committee to come in to a meeting and discuss any concerns with the Board.
He then mentioned the street opening poliy - anyone opening a street after November 15th should come before the BOS as a matter of policy, and Mr. Ready asked that the Town Manager be informed that we want anyone opening a street after November 15th to come before the Board.

Mr. Blomgren reported on the Beano issue - that 3 weeks ago he had suggested it, with a few ideas. He had wanted to harness the students' and administrators' energies. David Ellis, a lottery spokesman, said that dozens have tried and failed, that there is opposition from current license holders and he said the Town couldn't support more games. Mr. Blomgren said he had viewed it as a business venture, not gambling, and gave Mr. Johnson a draft of his report. Mr. Ready said he enthusiastically supported Mr. Blomgren's concept and still does, and quoted a Lottery Commission statement that as of Jan. 29, 1990 Beano license holders will be able to hold games in the afternoon, also. Mr. Emerson said he feels that public sentiment does not support the Town running a Beano game. Mr. Ready said it would not be the Town but an organization running the games.
Mr. Blomgren reported on road striping, noting that lines in the Center and on North Road no longer exist, and Mr. Emerson said he has contacted the DPW and as soon as weather permits they will be replaced. Mr. Blomgren asked that the DPW cease their efforts until a review of the process used has been done and the DPW Director presents an effective program to the Board. Mr. Emerson said he doesn't think it a good idea to cease painting lines completely.
Motion by Mr. Ready, seconded by Mr. Blomgren, unan. to request the DPW Director to attend the January 8, 1990 meeting to address a quality cost painting program.
Mr. Blomgren requested that we leave a page in the BOS minutes book in memory of Selectman Gerald Lannan, and also on the In Memoriam Page in the Annual Town Report.

Motion by Mr. Emerson, seconded by Mr. Blomgren, unan. to have the Building Inspector check Lil Ceasar's Pizza for a Common Victualer's license and report back to the Board. Atty. Joseph Shanahan was present and stated that he represents Lil Ceasar's and the Building Inspector told him they do not need a license.

Mr. Blomgren commented that Harvard Community Health wants the Town to expand the LRTA line to serve their new facility on Billerica Road at a cost of $8 - $9,000 per year.

Mr. Johnson reported that he feels it is very important that the Town be represented by a State Senator, that we have heard from the MMA asking each comunity to contact their senator, which shows it would be worthwhile to spend money to have a Special Election and that the Board will send a copy of the MMA memorandum to Senate President Boulger, again requesting a Special Election.

Under **Unfinished Business** motion by Mr. Blomgren, seconded by Mr. Ready, unan. to approve Jimmy's Subs application for a Beer and Wine License, subject to a favorable police record check.

On the application for a One-day alcoholic license for Mei Li Garden, Atty. Shanahan said he would answer any questions. Mr. Ready said that since the license is requested for New Year's Eve, won't they be open after 11 pm? Mr. Shanahan said no, they are now closing at 10 pm, they are trying to keep this a family type restaurant and never intend to request a lounge type license. This one-day license is for beer and wine only. Mr. Johnson reminded him that three months ago we told an applicant that he had to wait until he had a track record. Mr. Shanahan stated that the statute says the Board does have the right to grant this 1-day license, that they didn't have a grand opening, and for a track record, the owners, Grover and Jean SooHoo, have been serving alcohol at their Mai Kai restaurant since 1971. Mr. Blomgren told him that the Board has told the community that we would preserve the quality of the neighborhood. Mr. Ready commented that this could be a way to establish a track record - by serving for only one day. Mr. Shanahan said that this Board has never turned down a church seeking a 1-day license. Mr. Emerson said this could be a good opportunity to experiment a bit with the neighborhood and a track record, and he sees no problem in granting a one-day license. Mr. Shanahan said he has more concerns about the neighborhood than the Board does, and he has discussed this with the SooHoos. Mr. Johnson said the Board made an implied commitment to the community last August that no liquor would be allowed on the premises for at least one year. Motion by Mr. Ready, seconded by Mr. Emerson, to approve the one-day license. Vote was 2 in favor (Ready and Emerson) and 2 opposed (Blomgren and Johnson). Motion failed.

Motion by Mr. Ready to renew the annual licenses as presented and signed. Mr. Blomgren agreed with a few exceptions that he would support if there were only typos or omissions, and excluding the Princeton Lounge and D'Angelo's Common Victualer's license, as recommended by the Building Inspector. Motion seconded by Mr. Emerson, unan.

The press asked why the Board won't get involved in the Trailer Park issue, and was told that we get advice from the Rent Control Board and Town Counsel and don't feel the Town should get involved in civil litigation. Motion by Mr. Ready, seconded by Mr. Emerson, unan. to ask Town Counsel's opinion on the Board's level of involvement in the Trailer Park litigation.

At 9:00 p.m. motion by Mr. Ready, seconded by Mr. Emerson, unan. to adjourn.

For the Board of Selectmen, by

Judith E. Carter